

SENATE.

TUESDAY, June 17, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.
The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.
Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.
The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	O'Gorman	Smith, Mich.
Bacon	Fall	Owen	Smith, S. C.
Bankhead	Fletcher	Page	Smoot
Borah	Gallinger	Perkins	Sterling
Bradley	Gronna	Pittman	Stone
Brady	Hollis	Pomeroy	Sutherland
Brandeggee	James	Ransdell	Thompson
Bristow	Johnson, Me.	Robinson	Thornton
Bryan	Johnston, Ala.	Root	Tillman
Burton	Jones	Saulsbury	Townsend
Chamberlain	Kern	Shafroth	Vardaman
Chilton	La Follette	Sheppard	Williams
Clapp	Lane	Sherman	Works
Clark, Wyo.	McLean	Shields	
Colt	Martin, Va.	Shively	
	Norris	Smith, Ariz.	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Friday last, and was interrupted by

Mr. JONES. I understand it is the desire to take up the Indian appropriation bill as soon as the routine business is concluded. Therefore I have no objection to dispensing with the further reading of the Journal.

The VICE PRESIDENT. Is there objection to dispensing with the further reading of the Journal? The Chair hears none, and, without objection, the Journal will stand approved.

LAND PATENTS IN THE PHILIPPINES (H. DOC. NO. 89).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith Act No. 2222 of the third Philippine Legislature, entitled:

An act further to amend section 33, chapter 4, of Act No. 926, entitled "The public-land act," as amended, by providing for the granting of free patents to native settlers until January 1, 1923.

I have approved the act and submit it in accordance with provisions of section 13 of the act of Congress, July 1, 1902, entitled:

An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

I also transmit herewith a letter of the Secretary of War, explaining the act and its purposes.

WOODROW WILSON.

THE WHITE HOUSE, June 13, 1913.

THE BRAZILIAN REPUBLIC.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram from the vice president of the Senate of the Brazilian Republic, which will be read.

The cablegram was read and ordered to lie on the table, as follows:

RIO DE JANEIRO, June 15, 1913.

His excellency the President of the American Senate,

Washington:

I have the honor to inform your excellency that the Senate of the Brazilian Republic unanimously resolved at its to-day's session to approve the suggestion of Senator Mendes de Almeida to have presented to your excellency an expression of sincere gratitude at the demonstrations of high distinction which the great American Nation has given to the minister of foreign affairs of Brazil, Dr. Lauro Muller.

With respectful greetings,

PINHEIRO MACHADO,
Vice President of the Senate.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the Audubon Society of Buffalo, N. Y.; the Children's Museum of Brooklyn, N. Y.;

and C. Robotham, of Newark, N. J., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Board of Trade of Claremont, N. H., favoring an appropriation for suitable homes for American ministers in foreign countries, which was referred to the Committee on Foreign Affairs.

He also presented petitions of the Quaker City Chocolate & Confectionery Co., of Philadelphia, Pa.; of the Bridge City Candy Co., of Logansport, Ind.; the New England Confectionery Co., of Boston, Mass.; of Henry Heide, of New York; Frank E. Menne, of Louisville, Ky.; the Ohio Confection Co., of Cleveland, Ohio; and of the New England Mutual Life Insurance Co., of Boston, Mass., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. BRISTOW. I have a petition from the Kansas State Live Stock Association, which I should like to have printed in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I will have to object to unanimous consent.

Mr. BRISTOW. Do I understand that the Senator from Washington objects?

Mr. JONES. I do.

Mr. BRISTOW. Why does the Senator object to having the petition printed in the RECORD?

Mr. JONES. Because I have objected to other requests of a similar character.

Mr. BRISTOW. What does the Senator say?

Mr. JONES. I have objected to requests of the same character by others. That is my only reason.

Mr. BRISTOW. This is an association of live-stock men and farmers in Kansas who petition Congress in regard to legislation that is now pending. It seems to me when a Senator objects to the people of a State representing a great industry like that having their opinions and their wishes incorporated in the RECORD he is carrying his filibuster to an extreme position. Of course it will impose upon Senators the necessity of reading these petitions into the RECORD in order to give an expression from their constituents upon important legislation that is pending.

The VICE PRESIDENT. On objection, the petition will be referred to the Committee on Finance.

Mr. STERLING. Mr. President, I present memorials of citizens of Watertown, S. Dak., protesting against certain provisions of section 11 of House bill 3221—the income-tax section—and proposing an amendment thereto. All these communications are in the same form. I should like to have one of them, signed by John H. Hanten, printed in the RECORD. I make that request.

I also present a resolution of the Pierre Commercial Club, of Pierre, S. Dak., relating to residence buildings for representatives of the United States Government in foreign countries. I ask that it be printed in the RECORD.

The VICE PRESIDENT. The Senator from South Dakota asks that the memorial and the resolution indicated by him be printed in the RECORD.

Mr. JONES. I have objected to similar requests. I am very sorry, but I will have to object at this time.

The VICE PRESIDENT. There is objection. The memorials will be referred to the Committee on Finance, and the resolution will be referred to the Committee on Foreign Relations.

Mr. POMERENE. I present a preamble and resolutions in the nature of a petition adopted at a joint meeting of the Cincinnati Chamber of Commerce and Merchants' Exchange, June 11, 1913, urging upon the Congress of the United States legislation on the subject of banking and currency at the present session. I ask that it be incorporated in the RECORD without reading.

Mr. JONES. I am very sorry, but I shall have to object.

The VICE PRESIDENT. The petition will be referred to the Committee on Banking and Currency.

Mr. POMERENE. As it bears so directly upon a matter that is at present engaging the attention of Congress, I will take the time of the Senate to read it myself.

Mr. JONES. I make the point of order that under the rule the Senator can not do that at this time without unanimous consent.

Mr. POMERENE. I shall insist upon my right to read the petition as a part of my remarks on the subject.

Mr. SMOOT. Remarks are out of order at this time.

Mr. POMERENE. Very well; I will abide by the decision of the Chair.

The VICE PRESIDENT. The ruling of the Chair as to the right of the Senator to have the paper read is that it is for the Senate to decide. All who are in favor—

Mr. JONES. I desire to suggest to the Vice President that the precedent holds that upon the presentation of a memorial it can not be read except by unanimous consent. Later on in the proceedings of to-day the Senator can take the time to read it. If I had the precedents before me I could cite them to the Vice President where the holding is that under the order of the presentation of petitions and memorials the reading of a petition or memorial can only be by unanimous consent.

The VICE PRESIDENT. The Chair finds that there is a precedent in the ruling of Vice President Stevenson in 1894 to the effect that—

during the call for petitions and memorials under Rule XII, paragraph 4, which prescribes that every petition or memorial shall be signed by the petitioner or memorialist, and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate, that it was not in order to read the petition at length, either by the Senator presenting it or by the Secretary, unless by unanimous consent.

As the Chair has a high regard for Vice President Stevenson, the same ruling will be made now.

Mr. POMERENE. I submit to the ruling of the Chair.

Mr. JONES. Mr. President, I will withdraw my objection to the requests of the Senator from Kansas [Mr. BRISTOW], the Senator from Ohio [Mr. POMERENE], and the Senator from South Dakota [Mr. STERLING] that the petitions or memorials presented by them be printed in the RECORD.

The VICE PRESIDENT. Is there any further objection to printing them in the RECORD? The Chair hears none, and they will be printed in the RECORD.

Mr. POMERENE. I was quite sure that the Senator from Washington was not really as sorry as he pretended to be in the first instance.

The memorial of the Kansas State Live Stock Association, presented by Mr. BRISTOW, was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

KANSAS LIVE STOCK ASSOCIATION,
Emporia, Kans., May 3, 1913.

At a meeting of the Kansas State Live Stock Association held in Emporia, May 3, 1913, the following resolutions were unanimously adopted:

Whereas owing to the short time until the lower branch of Congress will vote on the pending tariff bill: Therefore be it

Resolved, That the secretary of the Kansas State Live Stock Association be instructed to send the following as a night letter to each of the Kansas Members of Congress:

"The Kansas State Live Stock Association at its meeting here today protests vigorously against making meat free and placing a duty on cattle. Free meat benefits only the packer and makes his monopoly absolute. He will then control both the live and dressed animal. He will dictate the price to the producer and consumer alike. For relief from high beef give us free cattle and a tariff on meat."

Resolved further, That the secretary of the Kansas State Live Stock Association be instructed to forward a copy of the foregoing night letter, statement, and these resolutions to Senators JOSEPH L. BRISTOW and W. H. THOMPSON.

M. M. SHERMAN,
GEORGE PLUMB,
JOHN A. EDWARDS,
Committee.

First. If meat is free the packer can bid us for our cattle any price; should we remonstrate and refuse to accept his bid, he can force us to take his price; he can ship in cargoes of his foreign-killed meat and continue shipping this foreign-produced and duty-free meat, to supply his home trade, until the American cattleman accepts the price and his terms. Under the present conditions we have some little independence in the prices we receive. The packer must buy the home-raised live animals or lose his trade.

Second. It is the presumption and the intention of the new bill that foreign meat producers will ship their products freely to this country whenever meat is admitted without a tariff. Their charge would be true, perhaps, if the foreign packer was not our own American packer. He owns a large per cent of the packing houses abroad, the same as at home.

Third. Should an independent company owning slaughterhouses abroad perchance succeed in shipping dressed beef to this country our packer would prevent the sale of this foreign product. For the reason that the packer is in control or owns or dictates the home distributing points, local refrigerator plants, and little butcher shops, the foreigner would be forced to sell his beef from wagons or at the docks, or by advertising or through sympathy.

Fourth. We also fear free meat from another and even more vital standpoint—cattle carcasses can be shipped by steamers from many foreign ports to New York and along the eastern coast, or to San Francisco and along the Pacific coast, cheaper than by freight from Kansas City to the same points, and in addition these ocean-carrying vessels refrigerate the meat as they sail. They are both a transport and refrigerating plant. The ice and the water which they use is made and distilled from the brine of the sea.

Fifth. Should it be desired by Congress to protect American labor, a free-meat bill should never be passed. Thousands who find employment at the slaughter establishments of this country would soon be looking for other work if beef is killed abroad. Thousands of others now engaged in raising cattle in the United States will embark to Argentine and enter business there.

Sixth. The sentiment of "back to the cow" and of "back to the farm" has been urged, and even by those who are now declaring for free meats the propositions are inconsistent. Free meat will annihilate the

effectiveness of these slogans. People will not move back under these conditions; they will move away. The American farmer and cattleman can raise, in the future as well as in the past, not only all the beef this country will require, but plenty for export, provided that he is encouraged. He is rapidly recovering from the previous ill effects of an over-supplied cattle market and the ruinous prices of a few years ago. The farmers not only of Kansas, but of Missouri and Tennessee, and the East and the North and the South, are going into the cow business again. Should the packer now by this concession to him, and to him only, be given free meat this unfair advantage will again dissipate the breeding herds; the American shortage of cattle will continue and increase.

Seventh. Another very serious and far-reaching problem and affecting practically 60 per cent of our population vitally, is that when the number of cattle in the country continues to decrease, then the value of land and farms and ranges is reduced proportionally. Millions of acres of grazing lands and pastures are made valuable, wholly by the number and the worth of the cattle which they grow and graze. With no cattle on these millions of acres the lands would be valueless and would not bring the tax levy. Millions of tons of frost-bitten grain or inferior forage crops are marketed each year with profit by means of cattle. If cattle are not bred and fed and fattened with the products of our pastures and soils, both grazing and agricultural lands will be undesirable.

Eighth. No one gains by the Nation having free meat, except the packer. The consumer does not. The packer only lowers the price of meat when forced. The packer only imports meat. He alone makes the selling price, a price which is "all the traffic will bear and still move." The immediate and practical method to make cheaper meat for the millions of consumers is to encourage and legislate so that all of our farms and ranges will fill with beef-breeding cattle. Free meat will not stock our ranches; it will fill the ranges of South America.

Ninth. No one so far from the seat of war can wage battle against this discrimination and in favor of the packer. If fairness is sought, the 10 per cent should be on the meat and not the cattle. Live cattle are imported by all classes—the cow breeder, the cattle feeder, and the ranchman, as well as the packer.

Tenth. The Government in this meat schedule should strive to benefit all the people, which is itself. Should this course be impossible, it next should consider the consumer. Provided that the consumer is too remote to be reached, then it certainly follows that the 60 per cent of our population engaged in agricultural and live-stock pursuits should be protected in this bill and not the infinitesimal part of 1 per cent engaged in the beef-packing industry. Only a short ways back into the nineties the packers were the lean kine. To-day, through favorable legislation, splendid management, and clever manipulation and concentration and court decisions (righteous beyond criticism), the packers have become the owners or controllers of immense packing establishments, both foreign and American; of great cattle herds and ranches; of powerful banks; of valuable tracts of real estate. They are supposedly strong in large holdings of railroad stocks. They dominate in the selling and refrigeration of butter, eggs, poultry, and other necessities of life. They own millions in public stockyards. Every shipper pays them tithe. Their control in hides, wool, leather, harness, and shoes is beyond comprehension.

The memorials presented by Mr. STERLING were referred to the Committee on Finance, and the memorial signed by John H. Hanten, of Watertown, S. Dak., was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SUGGESTED AMENDMENT TO THE INCOME-TAX SECTION OF THE TARIFF BILL NOW PENDING IN CONGRESS.

WATERTOWN, S. DAK., May 3, 1913.

To the Hon. THOMAS STERLING,
Washington, D. C.:

I desire to protest against such of the provisions of section 2 of House bill 10, being "A bill to reduce tariff duties and to provide revenues for the Government, and for other purposes," as impose a tax in any form upon mutual life insurance companies, and urge that said bill be amended so as to exempt such companies from the income tax the same as fraternal and beneficial societies are by the bill exempted from the tax. The income-tax law of 1894 contained a provision expressly exempting life insurance companies conducting business on the mutual plan from the tax imposed by that act.

I would therefore respectfully urge that you use your best efforts to secure an amendment to the exemption provisions of the pending bill by incorporating in it the following clause:

"That nothing herein contained shall apply to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policyholders or members, and having no capital stock and no stock or shareholders, and holding all its property for the benefit of and in reserve for its policyholders or members; nor to that part of the business of any insurance company having a capital stock and stock and shareholders which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policyholders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business for the benefit of and in reserve for the benefit of its policyholders and members insured on said mutual plan."

Very truly, yours,

JOHN H. HANTEN.

Policyholder in the Mutual Life Insurance Co. of New York.

The petition presented by Mr. STERLING was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolution by members of the Pierre Commercial Club, of Pierre, S. Dak.

At a meeting of the members of the Pierre Commercial Club, of Pierre, S. Dak., held on the 10th day of June, 1913, the following resolution was adopted, to wit:

Be it resolved, That—
Whereas the United States, contrary to the custom of the leading powers, does not own buildings in foreign countries for its representatives, with the result that our commercial interests suffer in competition with other nations for the expansion of our foreign trade; and
Whereas we believe that no representative of our Government abroad should be called upon to make expenditures from his private fortune, or that it should be necessary for him to have one in order to enable him to accept the appointment and to maintain our dignity in foreign countries; and

Whereas we believe that representatives should reside at a permanent home which our Government should supply, to which our citizens could point with pride, and where they may come and go with the same freedom as that existing at the White House at Washington; and believing that it reflects upon our national dignity for one representative to live in a palace and for his successor to live in a flat, and that neglect to provide residences precludes the Nation from obtaining the services of many eminent citizens: Therefore, be it

Resolved, That we are heartily in favor of the United States owning buildings that will reflect credit on the Nation, that will combine the office with the residence, and of such size that representatives may maintain them on their pay: Be it further

Resolved, That a copy of these resolutions be forwarded to our Senators and Representatives in Congress, requesting them to use their best efforts in supporting any bill that may be introduced to carry out the objects of this resolution.

We, J. L. Lockhart, president, and Albert Gunderson, secretary, of the said Pierre Commercial Club, of Pierre, S. Dak., do hereby certify that the foregoing is a true and correct transcript of the minutes of a meeting of the members of the said Pierre Commercial Club held at its rooms in the city of Pierre, S. Dak., on the day first above named.

THE PIERRE COMMERCIAL CLUB,
Pierre, S. Dak.
By J. L. LOCKHART, President.
By ALBERT GUNDERSON, Secretary.

The petition presented by Mr. POMERENE was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

CINCINNATI CHAMBER OF COMMERCE,
AND MERCHANTS' EXCHANGE.

Preamble and resolutions adopted by the board of directors June 11, 1913.

Respecting an improved banking and currency law for this Nation, the Cincinnati Chamber of Commerce believes as follows:

First. That it is of the utmost importance and interest to all classes of our people that a banking and currency law should be promptly enacted, which will be automatically responsive to the tides and volume of the business of this country, and which will furnish for the use of business an abundance of stable credit and more uniform discount rates than is possible under our present laws.

Second. That popular confidence in the absolute and constant stability of our banking and currency system would result in incalculable benefits to all classes of our people.

Third. That great injury always follows undue drawbacks and interference with the business enterprise, genius, and resourcefulness of our people, and that as far as possible it is the solemn duty of Congress to prevent them.

Fourth. That assurance that such legislation is to be consummated before the adjournment of the present session of Congress would quickly stimulate enterprise and remove the existing and, we believe, unwarranted commercial lethargy, which is prejudicial to every citizen and to every industry.

Fifth. That while imperfections are to be anticipated in so complex a subject, these do not justify longer delay in enacting such a law, for the reason that corrections can be made as experience may suggest.

Sixth. That past financial panics were largely due to the neglect of and would be hereafter largely prevented if this important subject were properly settled.

Seventh. That our people generally have exhausted the study of this proposition, are ripe for, expect, and want such legislation.

Eighth. That no other subject before this Nation is so insistent and potential for good or harm.

Ninth. That new fields of trade expansion at home and abroad throughout the world invite and press attention upon American enterprise, and that success in these fields demands facilities at least as good as those enjoyed by our powerful rivals: Therefore be it

Resolved by the Cincinnati Chamber of Commerce, That His Excellency the President of the United States and the Senators and Representatives in Congress be, and they are hereby, petitioned to do all which in their power lies to take up and promote the reform of our banking and currency system at the present extra session of Congress.

Resolved, That the secretary of the Cincinnati Chamber of Commerce is hereby authorized and instructed to invite similar action to this by all commercial bodies of the United States.

[SEAL.] M. C. WILKINS, Executive Secretary.

Mr. CATRON. I have three communications which have reference to matters in connection with the tariff, which I ask may be printed in the RECORD and referred to the Committee on Finance.

Mr. JONES. In view of the consent I have given with reference to other matters, I shall make no objection to the request of the Senator from New Mexico.

There being no objection, the communications were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FRANK A. HUBBELL Co.,
Albuquerque, N. Mex., June 9, 1913.

Hon. T. B. CATRON,
United States Senator from New Mexico,
Washington, D. C.

DEAR SIR: I wish to respectfully protest against the enactment of that portion of the income-tax bill which taxes the net income of mutual life insurance companies.

I hold a policy in one of these companies and know that this tax must necessarily come out of the funds of policyholders, although I understand that this is not the intention of those who drew the bill. Nevertheless it is true, as there are no other funds in a mutual company from which the tax can be paid.

It seems entirely unfair to reduce the tax on jewelry and other such luxuries and then make up the loss by taxing the small policyholders of the country.

This is evidently a blunder in the bill, and I hope you will use your influence to have it removed.

Very truly, yours,

FRANK A. HUBBELL.

TEXAS SHEEP AND GOAT RAISERS' ASSOCIATION,
San Antonio, Tex., April 25, 1913.

Hon. THOMAS B. CATRON,
United States Senate, Washington, D. C.

DEAR SIR: As members of the executive committee of the Texas Sheep and Goat Raisers' Association, each of us having had from 20 to 30 years' personal knowledge of the Angora goat raising business in Texas, and some of us not having owned a goat during the last past several years, and the majority of the members of this committee being of lifelong Democratic political affiliation, and this committee being unanimous in the opinions herein expressed, having only the welfare of our country under consideration, and wishing to encourage the up-building of the Angora-goat industry, respectfully wish to make known to you the needs of the Angora-goat raisers and request your influence with your committee and with Congress as a whole in an effort to induce the retention of the present 12 cents per pound import duty on mohair (alpaca and camel's hair) and the separation of mohair into a separate schedule from wool when formulating a new tariff law, for the reasons here below stated:

First. The present 12 cents import duty on mohair should be maintained in order to something near equalize the difference between the cost of labor and grazing privileges in this country (which constitute so largely the cost of producing mohair here) and the cost of labor and grazing privileges in Turkey and South Africa (the only other mohair-growing countries), where the cost of these requisites is but a trifling portion of the cost of same in this country, as is shown by all authoritative information bearing on this subject. Under the 12 cents per pound import duty the goat stock of the United States, nearly all of which are Angoras, increased from 1,870,599 head in 1900 to 2,915,125 head in 1910, being an increase of 55 per cent, as is shown by the census reports. The United States is now producing annually about 6,000,000 pounds of the 13,000,000 pounds of mohair estimated to be annually consumed in the United States, which puts the industry on a highly competitive basis, and from which the Government realizes a large amount of revenue. Reducing the import duty on mohair to a 20 per cent ad valorem rate, as has been proposed in the tariff bills that have passed the House the last two sessions of Congress, would reduce the selling price that the grower of mohair in this country would receive about 7 cents per pound. Any considerable reduction of the present rate of import duty on mohair will, in our opinion, not only stop the increase of the Angora-goat stock of this country, which has developed so rapidly during the last past 15 years, but will force the goat raisers out of business by reason of the business becoming unprofitable, causing the industry to dwindle and cease to exist. And when once allowed to perish it will be very slow reviving the flocks, owing to the laws prohibiting the exportation of the Angora goat from Turkey and South Africa, the only foreign countries possessing Angora goats of desirable quality. In addition to these facts, if we allow the Angora flocks of the United States to decrease, there will be danger of our manufacturers of mohair having to submit to the demands that will be liable to be made by monopolies controlling the mohair clip of the world, of which the people of the United States are rapidly coming to consume a very large proportion.

In addition to these facts, the proper development of the Angora flocks will enable the people to utilize the nonirrigable portions of the semiarid districts of our southwestern country, where Angoras thrive best, more advantageously than can be done by using it for any other kind of live stock.

Another reason why the present 12 cents per pound import duty on mohair should be maintained comes of the fact that the fabrics made from mohair constitute mainly what are termed luxuries, for the use of the well-to-do and wealthy element, who should be required to contribute most largely to the revenues required by the Government.

In addition to these reasons for maintaining the industry, we call your attention to the fact that the proper development of our Angora-goat flocks will not only enable us to avoid having to pay an exorbitant price for mohair eventually—in case our flocks are allowed to go to waste, by reason of the business becoming unprofitable from want of the necessary consideration at the hands of Congress—by reason of the business of producing mohair becoming controlled entirely by South Africa and Turkey, but the goat stock of this country, properly increased, will annually produce tens of thousands of tons of choice meat of the healthiest kind at a less cost to the people than it can be produced from any other source, helping to check the advancing prices of meat.

Now, as to why mohair should be given a separate and distinct schedule from wool when formulating a tariff law, as was argued by the delegate from this association who appeared before the Ways and Means Committee in December, 1908, "Mohair should no more be scheduled with wool, when formulating a tariff law, than silk should be." The fabrics produced from mohair are worn or used by people receiving good salaries and the wealthy element almost exclusively, and are properly considered articles of luxury, and should be taxed as are luxuries. We realize that there must be levied on mohair fabrics a rate of import duty that will compensate the manufacturer of mohair for the amount of duty levied on the hair required to produce similar fabrics, otherwise he must likewise go out of business, and our growers of mohair, so long as they tried to continue in the business, would be compelled to depend on a foreign market for their mohair, which would place them on a flat footing with the mohair growers of Turkey and South Africa, which would quickly destroy the Angora goat industry in this country.

We earnestly desire and hope for your active and vigorous support of the views herein expressed.

Very respectfully submitted.

CHAS. SCHREINER,
President Texas Sheep & Goat Raisers' Association.
ALFRED GILES, Secretary.
C. B. HUDSPETH,
B. L. CROUCH,
JAMES MCLYMONT,
M. W. LITTLEFIELD,
IKE T. PRYOR,
Executive Committee.

TEXAS SHEEP & GOAT RAISERS' ASSOCIATION,
San Antonio, Tex., April 25, 1913.

Hon. THOS. B. CATRON,
United States Senate, Washington, D. C.

DEAR SIR: We have read a considerable portion of the arguments made before the Committee on Ways and Means on 27th and 28th of

January (hearings on Schedule K, wool and manufactures of wool) in favor of free wool, or in support of a 20 per cent ad valorem rate of import duty on wool. And while we accord to the witnesses entire sincerity in their beliefs in the opinions they expressed and assertions they made to that committee, bearing on the sheep industry relative to the needs of the industry, the cause of the increase and decrease of the sheep stock of the United States during the last past 50 years, it causes us very great regret to know that gentlemen who occupied most time discussing the subject made numerous assertions to the committee that compels us to believe that their knowledge of the business of sheep raising in the trans-Mississippi States is wholly superficial, and that their statements and assertions concerning the business were erroneous, misleading, and valueless to that committee in forming its conclusions as to the recommendations it should make to Congress concerning the woolgrowing industry. Speaking to you as members of the executive committee of the Texas Sheep & Goat Raisers' Association, each of us having had from 25 to 45 years' practical personal knowledge of the business of sheep raising in Texas in no small way, and having a superficial knowledge of the business throughout the United States, and some of us not having owned a sheep in the last past several years, and our committee being composed of Democrats and Republicans of lifelong political affiliation, the majority of this committee being of lifelong Democratic political affiliation, each and all having only a desire for the welfare of our country as a whole, and all concurring in the views herein expressed, we have to advise you that any serious departure by Congress from the conclusions compelled to be drawn from the report of the Tariff Board, as to the rate of import duty that should be levied on wool in order to something near equal the difference between the cost of producing wool in this country and in competing countries, will have a disastrous effect upon the sheep industry in Texas and of the United States as a whole.

Replying to the inquiry as to the cause of the failure of the farmers and ranchmen to maintain the 47,274,000 sheep in the country in 1893, we have to advise you that the recommendation made by President Cleveland in May, 1893, that raw material (which was considered as embracing wool) be put on the free list and that enacting the Wilson tariff law in 1894 admitting wool free of import duty caused the business of woolgrowing to become so unprofitable that the sheep stock was sent to the slaughterhouses and neglected to such an extent that the Democratic Secretary of Agriculture—Mr. Morton—reported the country as possessing only 36,819,000 sheep on January 1, 1897. During the free-wool years 1895-96 the records show that wool sold in the producing markets for about or less than one-half the prices obtained for the same class of wool during several years last preceding the adoption of the free-wool policy. It is unnecessary to recite here the ruinously low prices for which choice fleeces of sheep were sold during the free-wool years by reason of the disastrously low prices of wool and the bankrupt condition to which a large percentage of former owners were reduced. The heretofore stated statistical facts, with the natural inferences to be drawn therefrom, supply all necessary evidence as to that feature of the case.

The 23 per cent decrease of the sheep stock during the application of the free-wool policy, as shown by the above statistical statements, which decrease occurred most largely in some of the best breeding districts—Texas, for example, decreasing her stock by more than 38 per cent, as shown by our State comptroller's reports—left the country at the close of the free-wool policy with her numbers of female sheep so depleted that it has been impossible for the farmers and ranchmen to supply the demands of the people of the United States for mutton and make more than temporary increase of the depleted numbers. While the Government reports show an increase of the 36,819,000 at close of the free-wool policy in 1897 to 39,852,967 sheep of shearing age in 1900—the latter number being the census report—the census report of 1910 shows 39,644,046 sheep of shearing age. The decrease that has occurred in recent years comes of the increased slaughter of sheep for domestic consumption, and especially the increased consumption of lambs of 3 to 6 months' age.

Our country possesses all the conditions requisite to enable it to successfully sustain such a number of sheep as would be necessary to supply all the clothing wool required by treble the present population. Texas alone has the capacity to successfully sustain, under the pasture system which she is now adopting, thirty or forty million sheep, and, in our opinion, would, in reasonable length of time, come to possess that number, if assured of an import duty on wool something near equal in amount to the difference between the cost of production in the United States and in competing countries. In addition to producing such necessary supply of clothing wool, a stock of sheep of such numbers would be of inestimable value as a necessary aid to maintaining the fertility of the soil of the farms of our country.

The striking off of the present 1½ cents per pound import duty on fresh meat, admitting mutton from Argentina, New Zealand, and Australia free, would also have a severely detrimental effect on the sheep industry, as it is from the sale of mutton, in addition to the fleece, that the farmer and ranchman are enabled to remain in the business of sheep raising, receiving only small compensation for their labor and money invested in same.

The frequent recurrence of the agitation of a free-wool policy deters tens and tens of thousands of farmers and ranchmen from engaging in growing sheep. The sheep industry is conducted on such a small margin of profit that any serious decrease of the amount of import duty levied on wool that the Tariff Board's report shows should be levied to equal the difference in cost of production here and in competing countries will affect the industry disastrously, particularly the merino flocks of the trans-Mississippi country, and especially the flocks located in the semiarid Southwest, and cause the present rate of decrease of the sheep stock to be rapidly increased, causing a still greater shortage in the necessary meat supply of our country, especially of mutton, which is the healthiest meat and equally as nutritious as beef.

We further wish to call your attention to the exhibit on page 4071, in part No. 20, tariff hearings January 28, entitled "Number of sheep in Australia, 1891 to date," which shows the fact (astounding to the unacquainted) that the sheep stock of Australia, the greatest woolgrowing country of the world, decreased from 106,421,068 in 1891 to 72,040,211 in 1901, and from 72,040,211 in 1901 to 53,608,347 in 1902. While the report does not show that the disastrous decrease was caused almost wholly by death from starvation, caused by drought, nevertheless drought was the cause. The facts shown in that statement, showing the sudden decrease in the sheep stock of Australia, should be sufficient to warn Congress and the people as a whole of the danger of allowing the United States to fall to become self-supplying in her necessary quantity of clothing wool.

We earnestly solicit your influence to defeat any proposition by Congress looking to a serious departure from the convictions herein expressed.

Respectfully submitted.

CHAS. SCHREINER,
President Texas Sheep & Goat Raisers' Association.
ALFRED GILES, Secretary.

Executive committee: B. L. Crouch, C. B. Hudspeth, James M. Symond, Geo. Richardson, J. R. Hamilton, Geo. W. Littlefield, Ike T. Fry, O. J. Woodhull.

Mr. NEWLANDS presented sundry petitions of citizens of Summit, Silverton, Mehama, Hubbard, Creswell, Eagle Point, Glendale, Stayton, and Marquam, in the State of Oregon, and engaged in the industry of goat raising, relative to the duty on mohair, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Winnemucca, Lovelock, Lovelock Valley, and Elko, all in the State of Nevada, and of the Hamilton Commercial Club, of Nevada, remonstrating against wool, cattle, and meat being placed on the free list, which were referred to the Committee on Finance.

Mr. SHERMAN presented a petition of sundry citizens of Alton, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chicago Association of Commerce, of Illinois, remonstrating against the adoption of certain proposed changes in the customs administrative law, which was referred to the Committee on Finance.

Mr. JOHNSON of Maine presented a memorial of the State Federation of Labor of Maine, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Topsfield, Me., remonstrating against a reduction in the duty on print paper and wood pulp, which was referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of Dirigo Lodge, International Brotherhood of Paper Makers, of Augusta, Me., remonstrating against a reduction in the duty on print paper and wood pulp, which was referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented a memorial of the State Federation of Labor of Maine, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

He also (for Mr. BURLEIGH) presented resolutions adopted by State Branch No. 18, United National Association of Post Office Clerks, of Bath, Me., favoring the adoption of certain changes in the postal laws relative to the examination of clerks in the postal service, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Territories, to which was referred the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, reported it with an amendment, and submitted a report (No. 65) thereon.

Mr. OWEN. From the Committee on the Library I report back favorably with an amendment in the nature of a substitute the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress. This matter was before the Senate in the preceding Congress. I think there is no objection to it on the part of anyone, and I shall be glad to have present consideration of the bill.

Mr. LA FOLLETTE. I understood the Senator from Oklahoma to say that this is a substitute for the bill which he introduced.

Mr. OWEN. It is a substitute for the bill which I introduced, No. 1240.

Mr. LA FOLLETTE. I should like to inquire if it is identical with the bill that was reported favorably from the Committee on the Library at the last session of Congress?

Mr. OWEN. I understand it is identical.

Mr. GALLINGER. So far as its present consideration is concerned, I shall have to object. I want to examine the bill. The VICE PRESIDENT. The bill will go to the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS.

Mr. SMITH of Arizona. I desire to introduce a bill by request.

Mr. JONES. I ask that it go over.

The VICE PRESIDENT. The introduction of the bill will go over, under objection. There are on the Secretary's desk certain bills which have been read the first time. They will be read a second time and referred.

The bills were read the second time by title and referred as indicated:

By Mr. SMOOT:

A bill (S. 2511) to provide for agricultural entries on coal lands in Alaska; to the Committee on Public Lands.

A bill (S. 2512) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; to the Committee on the Judiciary.

A bill (S. 2513) to provide for the erection of a public building at Cedar City, Utah; to the Committee on Public Buildings and Grounds.

By Mr. BRADY:

A bill (S. 2514) for the relief of William P. Havenor; to the Committee on Public Lands.

By Mr. LEWIS:

A bill (S. 2515) to amend the interstate-commerce law and to authorize the Interstate Commerce Commission to assume the power of supervising the issuance of stock, the issuance of bonds, the matter of consolidation, amalgamation, or combination of all transportation lines doing an interstate-commerce business and all interstate concerns engaged in any form of interstate commerce, and for such other purposes as shall protect the public against watered stock and excessive bond issues, and consolidations made with the object of effecting monopoly and trust in matters of interstate commerce; to the Committee on Interstate Commerce.

By Mr. CUMMINS:

A bill (S. 2516) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the Circuit Court of the United States in and for the Southern District of New York in the suit of the United States against the American Tobacco Co. and others, and extend the time for taking such appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. NEWLANDS:

A bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

Mr. NEWLANDS. I ask that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. The bill will be referred to the committee, as requested by the Senator from Nevada.

By Mr. SHAFROTH:

A bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on Public Lands.

The following bills were read twice by their titles and referred as indicated:

By Mr. SMITH of Michigan:

A bill (S. 2519) granting an increase of pension to Zera F. Etheridge (with accompanying paper);

A bill (S. 2520) granting a pension to Permelia H. McAley (with accompanying paper);

A bill (S. 2521) granting a pension to Harriet A. Frasier (with accompanying papers);

A bill (S. 2522) granting an increase of pension to Margaret W. Goodwin (with accompanying paper);

A bill (S. 2523) granting an increase of pension to William W. Campfield (with accompanying paper);

A bill (S. 2524) granting a pension to Isabell C. Dean; and

A bill (S. 2525) granting a pension to Charlotte Lewis McMahon; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2526) granting an increase of pension to Henrietta Doolittle (with accompanying paper);

A bill (S. 2527) granting an increase of pension to Maria L. Doughty (with accompanying paper); and

A bill (S. 2528) granting an increase of pension to George Kellogg (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2529) for the relief of Benjamin R. Brown; to the Committee on Military Affairs.

A bill (S. 2530) granting a pension to Barbara Henderson;

A bill (S. 2531) granting a pension to Raymond R. Hammond;

A bill (S. 2532) granting a pension to Delia Herbert; and

A bill (S. 2533) granting an increase of pension to John A. Sears; to the Committee on Pensions.

By Mr. JOHNSON of Maine (for Mr. BURLEIGH):

A bill (S. 2534) granting an increase of pension to John Graffam; and

A bill (S. 2535) granting an increase of pension to Hiram A. Hustus; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2536) granting an increase of pension to Daniel Sullivan; and

A bill (S. 2537) granting a pension to William N. Russell; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 2538) to repeal sections 1538 and 1539 of the Revised Statutes (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 2539) for the relief of the heirs of Mary B. Lively; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 2540) for the relief of heirs or estate of Joseph D. Hayes, deceased; to the Committee on Claims.

By Mr. RANDELL:

A bill (S. 2541) granting an increase of pension to Nannie V. Benton (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2542) to place the names of Elverton E. Fuller and Frank H. Adams on the lineal list of Infantry officers next after that of J. De Camp Hall, Fourth Regiment United States Infantry, to date from January 6, 1900 (with accompanying paper); to the Committee on Military Affairs.

The VICE PRESIDENT. Certain bills and joint resolutions on the Secretary's desk which have been noted for introduction will be read a first time.

The SECRETARY. By Mr. TOWNSEND, a bill (S. 2543) to place Michael James McCormack upon the active list of the Navy; and

A bill (S. 2544) for the relief of John K. Steedman.

By Mr. STERLING, a bill (S. 2545) authorizing the Secretary of the Interior to cancel the allotment of Irene Lydia Simmons.

By Mr. SMOOR, a bill (S. 2546) to authorize the Secretary of the Treasury to use, at his discretion, surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States.

By Mr. McCUMBER, a bill (S. 2547) authorizing the reconveyance of certain lands to the United States and authorizing the parties making such conveyance to file entry on other public lands.

By Mr. SMITH of Arizona, a bill (S. 2548) to create an additional land district in the State of Arizona.

By Mr. ASHURST, a bill (S. 2549) to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands.

By Mr. THOMPSON, a bill (S. 2550) to correct the military record of Jacob Scott.

By Mr. NELSON, a bill (S. 2551) to authorize the adjustment of the accounts of Army officers in certain cases, and for other purposes.

By Mr. LA FOLLETTE, a bill (S. 2552) to further protect trade and commerce against unlawful restraints and monopolies.

By Mr. THORNTON, a bill (S. 2553) to provide for the relief of certain enlisted men in the United States Navy.

By Mr. MYERS, a joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation.

By Mr. DILLINGHAM, a joint resolution (S. J. Res. 42) authorizing the Commissioners of the District of Columbia to provide a public recreation center in square No. 534, District of Columbia, and for other purposes.

Mr. JONES. I ask that the second reading of all these bills and joint resolutions may go over.

The VICE PRESIDENT. The bills and joint resolutions will go over for a second reading.

Mr. GALLINGER. I introduce two bills for reference.

The SECRETARY. By Mr. GALLINGER, a bill granting an increase of pension to Caroline M. Wallace.

Mr. JONES. I ask that the introduction of the bills go over for a day.

The VICE PRESIDENT. The bills will go over.

Mr. NORRIS. Mr. President, a parliamentary inquiry. The bill just read by the Secretary is a private bill. I ask whether a Senator has a right under the rule to object to the bill being introduced? The rule provides that a Senator may present such a bill to the Secretary at the desk, and that it shall be referred without reading.

Mr. JONES. Mr. President, I desire to say that I have already stated that I have no objection to the introduction of private bills in the method provided by the rule by handing them to the Secretary. When bills are sent up in the regular way, however, I suppose they are to be considered as being introduced in the regular way.

Mr. NORRIS. This bill has been submitted to the Secretary. In fact, the Secretary has it in his possession and has read the title.

The VICE PRESIDENT. The Chair rules that the Secretary gets everything, but that this bill was presented on the floor of the Senate. It will lie over until to-morrow.

Mr. DILLINGHAM. Mr. President, I offer a joint resolution which I send to the desk.

Mr. JONES. I ask that the resolution may go over.

The VICE PRESIDENT. It will go over.

Mr. BRISTOW. I desire to present certain bills.

Mr. JONES. I ask that their introduction may go over.

The VICE PRESIDENT. The bills will go over.

Mr. TOWNSEND. I desire to present a bill for reading and reference.

Mr. JONES. I ask that the introduction of the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. FALL. I present a joint resolution and ask that it may be read and lie on the table.

Mr. JONES. I ask that the introduction of the joint resolution go over.

The VICE PRESIDENT. It will be so ordered.

Mr. GORE. I offer a joint resolution and ask its proper reference.

Mr. JONES. I ask that its introduction may go over under the rule.

The VICE PRESIDENT. The joint resolution will go over.

Mr. BANKHEAD. I offer a bill for reference to the Committee on Pensions.

Mr. JONES. I ask that the introduction of the bill may go over.

The VICE PRESIDENT. It will go over.

GRADUATED TAX ON CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I offer an amendment to the so-called tariff bill and ask that it be printed. In doing so I desire to say that I do it in part because the Finance Committee has rejected the amendment which I offered, proposing to tax the Tobacco Trust; and I offer this amendment in the hope that the Committee on Finance may still have time to consider it before agreeing upon a report.

I shall not ask to have read the amendment which I offer, but in substance it is an amendment to the income-tax section of the tariff bill. It proposes to levy an additional graduated tax on all corporations having \$100,000,000 capital or more, provided they control more than 25 per cent of the product of any article in the United States.

I have provided for the levy of a 5 per cent tax on all corporations having \$100,000,000 of capital that control 25 per cent of the product of any article in this country. When one of these corporations reaches such size that it controls a third of the product of any article in this country the tax rises to 15 per cent, and when the corporation reaches such size that it controls one-half of the product of any article in this country the tax which I propose to levy amounts to 25 per cent on its net annual profits.

Mr. President, I desire to commend this amendment to the members of the Finance Committee as worthy of consideration. The Democratic Party has denounced monopoly as odious. The Democratic Party has pledged itself to limit and control and destroy monopolies. The other day I offered an amendment which had for its object the limitation and the destruction of monopoly in tobacco. I think it was a legitimate amendment to the pending tariff bill. I still propose, in the Democratic caucus, and, if necessary, upon the floor of the Senate when the tariff bill comes here, to stand for that amendment and to make a fight for it. But I want to commend to the Finance Committee the new idea which I have incorporated here providing for a graduated tax on those great corporations that have attained the proportions of monopolies in the United States.

My first proposal regarding the graduated tobacco tax has been denounced by New York papers as socialistic. I am not ashamed of the appellation or the epithet. I am willing to accept it. I am willing to accept anything that is socialistic, provided it will do the work. When this country is face to face with great law-defying corporations I do not think we should be too squeamish as to the methods that we employ within the law and within the Constitution to limit and regulate them.

I hope the Finance Committee, overworked though it may be, will have some time to give to this proposal of a graduated tax on corporations which have attained \$100,000,000 of capital and control already from 25 to 60 per cent of the product of the country—practical monopolies, existing and operating in defiance of law, in defiance of the steady course of legislation of Congress for 25 years, in defiance of public opinion in this

country, and in defiance also of the spirit of the decrees of courts which have been entered against them.

Mr. STONE. Mr. President, is morning business concluded?

The VICE PRESIDENT. Not yet. Is there objection to the request of the Senator from Nebraska? The Chair hears none.

Mr. JONES. Mr. President, what was the request?

The VICE PRESIDENT. The request of the Senator from Nebraska was to have the amendment offered by him printed and referred to the Committee on Finance.

Mr. JONES. That is all right.

The VICE PRESIDENT. The amendment will be printed and referred to the Committee on Finance.

PRICE OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, I offer a Senate resolution, asking that the Secretary of Commerce be directed to make investigation as to the price of oil in Oklahoma and report to the Senate whether or not the price is artificially fixed below the general market level of the United States, quality and transportation considered; and if so, by whom such prices are fixed, and the methods by which it is done. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I will have to ask that the resolution go over.

Mr. OWEN. I ask that the resolution lie on the table.

The VICE PRESIDENT. The resolution will lie on the table.

BANKING AND CURRENCY LEGISLATION, ETC.

Mr. NEWLANDS. I offer a resolution which I ask to have read.

Mr. JONES. Does it require unanimous consent to have the resolution read? If it does, I object.

Mr. NEWLANDS. I do not understand that it requires unanimous consent to have a resolution read.

Mr. STONE. I will ask unanimous consent, if necessary, to have the resolution read. It will take less time to read it than to discuss the question raised.

Mr. NEWLANDS. I asked that myself.

Mr. JONES. I will withdraw my objection, Mr. President, because I am very anxious that we shall reach the consideration of the Indian appropriation bill.

Mr. STONE. I just want to say to the Senator from Nevada, if he pleases, that at the last meeting of the Senate he occupied two hours or more, and prevented me from getting up the Indian appropriation bill. I hope he will not take much time to-day.

Mr. NEWLANDS. The Senator is mistaken as to the time. I took three-quarters of an hour on the former occasion.

Mr. STONE. Is it the intention of the Senator to speak to the resolution?

Mr. NEWLANDS. My intention is to make a brief statement in connection with it. It will not take more than five minutes.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 110) was read, as follows:

Resolved, That it is the sense of the Senate—

1. That in all legislation affecting the regulation of commerce regard should be had to our dual system of government which gives to the respective States control of commerce within the States and to the United States control of commerce between the States; and that all contemplated legislation should have in view not the absorption of the functions of the States by the National Government, but the full exercise of the powers of the Nation and the States under a system of co-operation authorized by law which, without impairing any of the functions of the respective sovereigns, will bring them into harmony regarding the relation of State to interstate commerce.

2. That with a view to regulating interstate exchange and preventing its interruption by bank panics the national and State banks within the boundaries of each State should be brought into union under national law in reserve associations analogous to existing clearing-house associations, the membership of the State banks in such reserve associations to be made dependent upon their complying with the requirements of the national banking act regarding capital and reserves and upon their submitting to such examination as the national banks are subjected to.

3. That such reserve associations of the respective States should be federated under national law by the organization of a national reserve board composed of nine members to be selected by the various State reserve associations, one member thereof from each judicial circuit, and of nine other members to be selected by the President of the United States from the department chiefs or otherwise; such reserve board to have such powers in bringing the various State reserve associations into cooperation for the purpose of protecting their reserves and preventing the interruption of interstate exchange as Congress may determine, and to be advisory to Congress and to the executive department.

4. That the comptroller's office, with all its officials, funds, powers, and duties should be merged in a nonpartisan national banking commission, to be appointed by the President, of which commission the Secretary of the Treasury shall be the chairman and the Comptroller of the Currency the secretary; such commission to have powers of investigation, correction, and publicity over banks engaged in interstate exchange analogous, so far as practicable, to those now exercised by the Interstate Commerce Commission over carriers engaged in interstate transportation.

5. That there should be legislation which shall bring such national banking commission into cooperation with similar commissions organized by the respective States.

6. That legislation should be enacted which will gradually diminish the percentage of the reserves of the country banks permitted to be deposited in reserve city and central reserve city banks, to be used there for purposes of speculation instead of exchange.

Mr. NEWLANDS. Mr. President, I wish to make a brief statement in connection with the resolution.

I believe immediate action should be had regarding banking laws. I think, however, that instead of organizing 15 regional reserve associations, composed of both national and State banks within certain banking zones, it would be better to organize a reserve association in each State composed of the banks, both national and State, within such State, thus accommodating our economic to our political divisions. Provision can be made for some of the smaller States by allowing the banks in such States to join the associations of adjoining larger States until they reach a certain population.

It is, of course, desirable that the reserve associations should include both the State and the national banks. One-half of the banks of the country are State banks, and one-half of the deposits of the country are in State banks. Any system intended to establish security in our banking system must include both halves and not simply one half.

It would not, in my judgment, do to put in one association the banks of half a dozen different States, with all their differences in banking laws and regulations. It is inconvenient enough to have in one association banks created and regulated by two different sovereigns without multiplying the number of sovereigns. It would be much easier to bring the national sovereignty into harmony with a single State sovereignty in a reserve association than with three or four State sovereignties.

If this were a Nation without State lines the economic zone might be the best, but as long as we have a Nation of sovereign States the economical lines should conform to the State lines. This is so now with reference to both transportation and banking. We have our national railroad commission and our State railroad commissions. We have our national comptroller's office and we have our State banking commissions. We will doubtless have trade commissions organized under both national and State laws, and in all this legislation the economic lines conform to the State lines.

I believe that the future of our Government depends upon the exercise, not the disuse, of State functions. There may be some inconvenience, but unless the State functions are exercised concurrently with the national functions the former will gradually sink into disuse, and we will have some day a centralized Government at Washington over three or four hundred millions of people—a Government that will be absolutely unwieldy and subversive of everything like home rule.

Mr. President, I ask that the resolution may lie on the table for the present. I wish to give notice that at the next session of the Senate I will speak upon it.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

PRICE OF OIL IN OKLAHOMA.

Mr. OWEN. I submit a resolution, which I send to the desk and ask to have read.

The resolution (S. Res. 109) was read, as follows:

Resolved, That the Secretary of Commerce is directed to make a thorough investigation into the price of oil in Oklahoma and report to the Senate whether or not the price is artificially fixed below the general market level in the United States, quality and transportation considered; and if so, by whom such prices are fixed and the method by which it is done.

Mr. OWEN. I ask unanimous consent for the immediate consideration of the resolution.

Mr. JONES. I ask that it may go over.

The VICE PRESIDENT. Objection being made, the resolution will go over.

Mr. OWEN. I ask that it lie on the table.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

ESTATE OF EDWARD B. BELL.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 112), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to the executor, administrator, or legal heirs of Edward B. Bell, late a member of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

UNITED STATES AGAINST THE CHANDLER DUNBAR WATER POWER CO.
Mr. BURTON. I desire to introduce a resolution to provide for printing additional copies of a Senate document and ask that it be read and referred to the Committee on Printing.

The resolution (S. Res. 111) was read and referred to the Committee on Printing, as follows:

Resolved, That there be printed 10,000 additional copies of Senate Document No. 51, Sixty-third Congress, first session.

AMENDMENT OF THE RULES.

Mr. OWEN. I have a resolution which I should like to offer.

The resolution (S. Res. 113) was read, as follows:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for a final vote upon any matter pending in the Senate: *Provided, however*, That this rule shall not be invoked to prevent debate by any Senator who requests opportunity to express his views upon such pending matter within a time to be fixed by the Senate.

"The notice to be given by the Senate under this section, except by consent, shall not be less than a week, unless such request be made within the last two weeks of the session.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XXII, XXVI, XXVIII, XXXV, and XL, are modified. "Any Senator may demand of a Senator making a motion if it be made for dilatory or obstructive purposes, and if the Senator making the motion declines or evades an answer or concedes the motion to have been made for such purposes the President of the Senate shall declare such motion out of order."

Mr. OWEN. I ask that the resolution may lie on the table for the present.

The VICE PRESIDENT. The Chair would inquire whether this is the same amendment to the rules that was proposed heretofore by the Senator from Oklahoma?

Mr. OWEN. It is a modification of the amendment proposed heretofore. It is a substitute for it.

Mr. JONES. I desire to ask whether or not that can be done under the rules without previous notice?

The VICE PRESIDENT. This is only notice of the fact.

Mr. GALLINGER. Mr. President, I desire to record the fact at this point that when the resolution comes up for consideration I shall move its reference to the Committee on Rules.

The VICE PRESIDENT. The resolution will lie over and be printed.

GOOD ROADS.

Mr. SHAFROTH. I have a communication here from the president of the National Good Roads Association containing short extracts from speeches relating to good roads which I was requested to have printed in the RECORD. I therefore ask unanimous consent that it be printed in the RECORD and appropriately referred.

There being no objection, the matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

INTERNATIONAL GOOD ROADS CONGRESS, PANAMA-PACIFIC EXPOSITION, FEBRUARY 22-27, 1915.

2. Address by Gov. Joseph M. Brown, of Georgia, on good roads in that State.

3. Address of Bishop Charles Edward Cheney on good roads as relating to church attendance.

4. Paper by C. Gordon Reel, State superintendent of highways, New York.

5. Paper by William Bradburn, consulting engineer, Houston, Tex.

6. Resolutions adopted by Illinois State and Interstate good roads convention, February 12, 1912.

7. Address by Maude E. Jones, secretary National Good Roads Association.

8. Address by Miss Alma Rittenberry, chairman Jackson Memorial Highway Commission, Birmingham, Ala.

9. Resolutions adopted by various women's clubs of Illinois.

10. Some Illinois women's clubs affiliated with National and Illinois State good roads associations.

11. Leading editorials and resolutions.

OFFICIAL CALL FOR THE INTERNATIONAL GOOD ROADS CONGRESS, PANAMA-PACIFIC EXPOSITION, SAN FRANCISCO, FEBRUARY 22-27, 1915.

By invitation of the Panama-Pacific Exposition management and the League of California Municipalities the 1915 International Good Roads Congress will be held under the auspices of the International Good Roads & Automobile Association and the National Good Roads Association at the Panama-Pacific Exposition, San Francisco, during the opening week of the exposition, February 22-27, 1915.

Delegates, both men and women, are invited from every nation, State, and city, and all correspondence should be addressed to the secretary at the Congress Hotel, Chicago, Ill., United States of America.

From September 16 to 21, 1901, there was held in the city of Buffalo the first International Good Roads Congress, the call for which was issued from the headquarters of the National Good Roads Association at Chicago. Participation by delegates from foreign countries was invited, and such invitation was transmitted by the Department of State to the diplomatic officers of the United States throughout the world and through them communicated to the ministers of foreign affairs, with the request that it be given publicity for the information of organizations and individuals who might be interested.

April 27-29, 1908, the second International Good Roads Congress assembled at St. Louis. Hon. John Hay, Secretary of State, invited all civilized Governments to send delegates. Eleven foreign Governments were represented, and on April 29 Theodore Roosevelt, President of the United States; Hon. William Jennings Bryan; Gen. Nelson A. Miles, head of the United States Army; and many other dignitaries addressed the congress.

In 1904 the third International Good Roads Congress was held in St. Louis during the progress of the World's Fair. Many foreign Govern-

ments and more than 100 railway companies sent representatives. Hon. James Wilson, Secretary of Agriculture, represented the Government and presided at one session.

On the tenth anniversary of the first congress the fourth International Good Roads Congress was held in Chicago, September 18–October 1, 1911, and, as in the case of each of the three preceding congresses, invitations were transmitted by the Department of State to all foreign Governments, and there were official delegates in attendance from 40 States and countries.

The fifth International Good Roads Congress was held in Chicago February 26–March 2, 1913, and was made memorable by the participation of officials of the General Federation of Women's Clubs and the pledge of the president of this great organization, Mrs. Percy V. Pennybacker, that the 1,000,000 members of the general federation will lend their hearty aid to the cause of good roads both in the Nation and in the several States.

The importance of this great movement for good roads is being recognized as never before, and when the women of all nations add their influence to that of the press, school, and church a victory will have been won greater and more far-reaching in effect than any other within a generation, for it is a matter of tremendous importance that in the United States alone bad roads are directly responsible for the loss of a billion dollars a year. Surely the saving of this stupendous sum constitutes an economic question of vast importance.

When the agricultural production alone of the United States for the past 13 years totals nearly \$100,000,000,000—a sum to stagger the imagination—and it costs more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good roads instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself; and the truth of the declaration of Charles Sumner, 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years, and points to the wisdom of a union of the religious, educational, commercial, transportation, and industrial interests of all nations in aggressive action for permanent roads and streets.

INTERNATIONAL GOOD ROADS & AUTOMOBILE ASSOCIATION.
NATIONAL GOOD ROADS ASSOCIATION,
ARTHUR C. JACKSON, *President*.
MISS MAUDE E. JONES, *Secretary*.
MRS. EDWARD L. MURFEY, *Treasurer*.

GOOD ROADS IN GEORGIA.

(By Joseph M. Brown, governor.)

More road improvement work has been done in Georgia during the past five years, I believe, than in any other single State. More will be accomplished during the next five years, and if the present pace continues—and every indication is that it will be increased—in 15 or 20 years we will have public roads that will compare favorably with the boasted ones of Europe.

Approximately 5,000 adult male convicts are now at work building roads throughout the State. More than a million dollars a year is being spent in their maintenance, the employment of skilled labor, and for equipment.

The present system of road building was inaugurated five years ago. Since that time farm-land values have increased from 25 to 100 per cent, largely due to the betterment of rural conditions by the development of good roads. More substantial road work was done during that period than during the previous half century.

It has been found that every dollar put in road work comes back manyfold in added values. Therefore the public is in hearty sympathy with the movement.

Address of Bishop Charles Edward Cheney, at the concluding session of the fifth International Good Roads Congress, Chicago, March 2, 1913.

It is a generally acknowledged fact that the country churches all over the United States are suffering because of several causes, such as, for example, the steady drift of population to the cities and the lack of that sort of association on the part of the young people which has proved so great an influence for good in the churches of our great towns. That the construction of such roads as one sees in England and on the Continent of Europe would have a beneficial effect in this regard can not be doubted.

Taking into consideration that Robinson Crusoe on his desert island was hardly more isolated from all human fellowship than is the individual or the family in an Illinois farmhouse, when a bog of the black mud of the prairie is the only pathway to the next neighbor's home, it is easy to see that a regular and prompt attendance upon public worship becomes almost an impossibility during a large part of the year. I am firmly convinced that the prosperity and usefulness of the scattered churches in our own State would be vastly increased if access to the place of worship were rendered not only easy, but attractive, by the comfort afforded by really good highways. In England small country churches are filled with worshippers even when the weather is far from agreeable. The reason lies in the fact that people of means can drive—whether in a motor car or a horse-drawn carriage—over a road like the best pavements of our American cities; and the people who possess but little of this world's goods can indulge the Englishman's love of walking without so much as muddying their footgear.

I am also persuaded that when we ask the question why such marvelous success attended the propagation of the Christian religion in the first three centuries, one factor is generally overlooked. Let us remember that it took but 300 years to send the religion of Jesus Christ into almost every nook and corner of the vast Empire of Rome.

We account for this in various ways. Some tell us that it was owing to miraculous powers exercised by the early disciples. Others, that the first preachers were enabled to speak in the dialects of the lands to which they carried the message, without having acquired these tongues by study. Still others regard it as proven that the higher spiritual character of those who professed the new religion commended it in an irresistible way to the heathen population of the empire.

The question which I would like to suggest is whether we have not left out of the reckoning a preparation for the spread of Christianity, which the emperors themselves had been making before Christ was

born. God used the ruling powers and the politicians of Rome, without their knowing it, to carry out Divine plans and purposes. They "built better than they knew." Just as our Government built the first Pacific railway as a political necessity, in order to bind the Pacific and the Atlantic coasts together, so for purely political and military ends did Rome bind by her wonderful roads and remote religions of the empire to the imperial city. But what they did from merely human and selfish considerations was overruled so to advance the cause of Christ's religion that in 300 years it had overspread all the lands of the wide domain of the Cæsars, and a professing Christian put on the purple and ascended the imperial throne. We congratulate ourselves when the pavement of our cities outlasts the wear of a dozen years. But there are highways in the open country of Europe, which Roman engineers constructed nearly or quite 2,000 years ago, which are in constant use to-day. In his *Decline and Fall of the Roman Empire* Gibbon tells us that "mountains were perforated and bold arches flung over the broadest and most rapid rivers." From the imperial city as a center, perfectly built roads extended like the spokes of a wheel to the most distant parts of the empire.

Address before fifth International Good Roads Congress, Chicago, February 26, 1913, by C. Gordon Reel, State superintendent of highways of New York.

In bare figures, at the close of business on December 31, 1912, we had in New York 3,578 miles of highways completed and 1,627 under contract, which will give the State 5,205 miles assured. There is now \$2,423,000 unobligated of the original \$50,000,000 bond issue, which, at an average of \$10,000 per mile, will procure 242 miles, or give, with the total obligation of the money devoted to highways to date, 5,450 miles.

Good-roads work was begun in New York State in 1898 and was carried on by the State engineer with varying success until 1905, when the demand for public improved highways became so great that a referendum act was passed by the legislature, and at the following election the people appropriated \$50,000,000, to be raised by the sale of bonds, and the proceeds devoted to the construction of improved highways.

The work was carried on under the State engineer until 1908, when Gov. Hughes established the highway department, under a so-called nonpolitical highway commission made up of three members. In 1911 the department was reorganized by Gov. Dix, who placed the work under a commission also made up of three members, a superintendent of highways, to hold office at the pleasure of the governor (which office I now hold), the State engineer, an elective office, and the superintendent of public works, appointed by the governor. Again this proved unsatisfactory, principally on account of the divided responsibility and also because the two members who were also heads of other large departments could not find time to properly study the immense problems constantly to be confronted. In fact, they found it impossible to even attend the meetings of the commission, an average of four meetings being called to one actually held during the past year. Another drawback to this plan was that no sooner had a superintendent become thoroughly familiar with the work than he was liable to be replaced upon a change of administration, the term of the governor of New York being two years.

Upon Mr. Sulzer becoming governor an immediate change of plan was adopted. The senate has just passed a bill again completely reorganizing the department. Under this all highway work will be under one head, a highway commissioner, who, being appointed by the governor and confirmed by the senate, serves for a term of five years and can only be removed by the governor upon charges proven of inefficiency, neglect of duty, or misconduct in office.

There are 80,000 miles of public roads in New York. About 11,000 of these are designated as being State and county highways, and the remainder town highways. The actual road building is carried on by three deputies, who are experienced highway engineers and practical road builders. The first deputy has charge of actual construction work, the second deputy has charge of maintenance and repair, and the third deputy has charge of the 69,000 miles of town roads not in the State and county system.

When the first bond issue was passed the idea was to divide the mileage equitably amongst the different counties, each county selecting its own particular system and paying part of the cost. It soon developed that this would result in a disjointed and unworkable good-roads plan as regards the State as a whole. Therefore a system of through trunk lines was established between the centers of population, the entire cost of building to be borne by the State.

It has been my endeavor to complete these through routes, and within a year I have placed under contract or now have plans prepared for a letting in March which will give at the end of the construction season of 1913 completed highways from New York City along the eastern line of the State to Albany; from New York City on either bank of the Hudson to Albany and then on to the Canadian border line; from New York through the southern tier of counties to Lake Erie; from Albany to Buffalo; from Albany to Binghamton; etc. These, with the county systems which are now being built, also with a reference to the State routes, will form a completed network very shortly which will not only cover our own State but meet the main traffic routes from the neighboring States and Provinces.

The town highways are being steadily improved, so as to act as feeders; for however perfect the State and county system highways may be, if a farmer has to haul his produce over from 3 to 5 miles of the ordinary country road they are practically of no use to him. Of these roads on December 31 we had 3,500 miles macadamized, 8,500 improved as gravel roads, 50,000 miles shaped, crowned, and standardized as to width, and the remaining 6,000 miles put in safe condition for travel, which is remarkable, considering that the executive cost for the supervisors of this class of work by our bureau of town highways is less than one-fourth of 1 per cent.

We are building the State and county highways 16 feet in width and of a standard thickness of 9 inches. Although there have been 16 different sets of specifications in use, it is my intention to cut these down to 5 standard types of construction, viz:

Plain macadam.

Water-bound macadam with hot-oil treatment.

Asphalt macadam—penetration.

Mixed asphalt macadam and bitulithic.

Concrete and brick.

Ranging from \$5,000 to \$25,000 per mile. These, of course, to be used as to the traffic requirements.

The maintenance problem is to-day the most difficult that confronts us. With hundreds of miles of roads built to meet conditions that have materially changed with the increased motor traffic many hitherto perfectly satisfactory roads would go to rack and ruin in a very few

months did they not receive the most careful attention. Therefore it is my policy to increase the percentage of the permanent elements of construction, such as alignment, grade, heavy bottom course, culverts, etc., so that upon the total expenditure of the funds provided by the bond issues we will have certain perpetual results to show.

As for the actual results obtained by the expenditure of the first bond issue, that is very difficult to reduce to figures or even words. A railroad or steamship line can compute on their receipts, but the earnings of a highway are the thousand and one conveniences that can come no other way to country life. It means everything from the marketing of crops to the merest social pleasures. One thing we have seen in the State of New York, and that is the steady and permanent increase in property value all along the line of improved highways.

Address before the Fifth International Good Roads Congress, Chicago, Ill., February 26 to March 2, 1913.

(By William Bradburn, consulting engineer, Houston, Tex.)

Public roads in Texas: Improper construction.

Need of a State law governing the width of wheel tires and the minimum live load allowable on highway bridges.

The basis of road building:

A competent engineer, not a theorist, but an engineer who has proved his ability by his works, one who is honest and conscientious, having the manhood to acknowledge and learn from his errors of judgment.

I am not advancing any new theory when I say that in any engineering work material of medium, or even poor, quality can by careful manipulation be made to produce better results than first-class material carelessly put together. Nowhere is this principle better illustrated than in the misuse of excellent material which is being made in some of our roads, where tons upon tons of first-class stone are being buried in sand and loam and called good roads.

Earth roads—machinery and implements necessary:

A 10-ton steam or gasoline roller, first-class heavy grader, slip and wheel scrapers.

The Hon. Ed. R. Kone, commissioner of agriculture for the State of Texas, who formerly was county judge of Hays County for nearly 30 years, was the first county judge who had the courage and backbone to break away from the old beaten path of using oxen or mules to the road grader and substitute a steam roller in making earth roads.

He was truly "the man of the hour," fighting against ignorance, prejudice, and the wishes and advice of his best friends, with the result that to-day other counties, not only in Texas, but all over the United States, are following his example and have better constructed and cheaper roads, for when an earth road is constructed it is ready for travel and only costs \$1 a mile to reroll the same after travel during a wet spell. Contrast this with the split drag, which from actual experience in our black-wazy-jumbo soil costs \$3 per mile, or 300 per cent more than the steam roller, and leaves an unsatisfactory surface.

All public roads should have a width of 40 feet between the ditch lines and have perfect drainage ditches, not only longitudinal, of sufficient depth and perfect draining, but intersected by transversals and laterals not more than half a mile apart, the principle being to take the water away from the roadbed as rapidly as possible.

CROSS SECTION OF ROADS.

First, see that the sod, with all grass, weeds, and vegetable matter, is removed. Earth will never compact as long as it contains vegetable matter. The roadbed must be high and dry, but not modeled after the roof of a house, and have a cross-section that will insure quick drainage, flattened at the top and gradually increasing in slope toward the ditches.

To illustrate: For a 40-foot road, with a fall of 12 inches from crown to bottom of ditch, working from center toward ditches, fall of 1 inch in 5 feet, 3 inches in 10 feet, 6 inches in 15 feet, and 12 inches in 20 feet. They should not be constructed during a rainy season, and a careful inspection should be made to discover springs or spots which by being spongy are unfit for travel and provision made for the drainage of such places by tiling, blind rock drains, or even poles.

A 10-ton steam or gasoline roller should be used continuously until the road is so hard the wheels of wagons will not make an impression.

SHELL, GRAVEL, OR MACADAM ROADS.

Six inches of trap rock, or crystalline limestone, is better than 10 inches of shell or gravel. Inferior rock without any binding qualities may be used in the bottom 4-inch course, but the top course, or wearing surface, of 2 inches in thickness and screenings, should be trap rock or a hard limestone which has cementing qualities. Water should be freely used on all but the first layer of the bottom course. Care should be exercised so that no rock or gravel over 2½ inches in size finds its way into the bottom course, as larger rocks, no matter how well placed, always come to the surface.

Traction engines and automatic dump cars should be substituted for wagons with mules in hauling material, as the following table will show the saving in a 20-foot roadway, using 10 inches of rock, gravel, or shell: First mile, \$987; second, \$1,758; third, \$2,184; fourth, \$2,706; fifth, \$3,320—the longer the haul the more increase in cost.

Counties should purchase their own road material and deliver free on board cars at the nearest siding.

If the contractor supplies the material none but rich contractors can bid on the work, the average contractor is shut out, and there are generally two bidders—two or three blind bidders—when there should be from 30 to 40 contractors in competition. Again, the county or city pays dear for the erroneous system which retains 20 per cent until completion of work. In such cases contractors usually borrow money at a high rate of interest, and all add to their bids enough to cover this cost.

Wheel-tire law: Roads are cut to pieces with heavy loads on narrow tires, and a law should be enacted governing the width of tire in proportion to the load carried. In the State of Ohio, during the winter of 1905-6, the "20-mule borax team" were prohibited from traveling in several counties on the ground that the wheel tires were not sufficiently wide in proportion to the load carried.

BRIDGES.

As the weight of a load is in proportion to the strength of the weakest bridge, so a standard carrying capacity of all county bridges should be established by law; and please bear in mind the fact that the bridge that was good enough 10 years ago can not be traveled in safety by the vehicles of to-day, for improved roads means heavier loads.

To illustrate: I recently examined three bridges in separate counties having one common point, viz, Galveston, Harris, and Brazoria. The Galveston County Bridge would carry 20 tons, the Harris 16 tons, and the Brazoria County only 6 tons. Assuming these bridges are stand-

ards for each of these three counties, a traction engine weighing 20 tons could travel only in Galveston County and a 16-ton engine in Harris County and Galveston County.

There should be a law enacted making all county bridges capable of sustaining a minimum live load of 20 tons, as there is in the State of Ohio.

I am glad to report advancement in the good-roads movement for the State of Texas and extend a handclasp to your president, Arthur C. Jackson, my old-time comrade in arms, who fought by my side in many battles for good roads under the tongue-scarred banner of the National Good Roads Association, whose banner, though "tattered and torn," has been the educator, instructor, and means of building and beautifying good roads from the Atlantic to the Pacific.

In my address before the first Texas good roads congress, at Dallas, Tex., October 26, 1911, I said:

"The good-roads movement will never be complete and a success without the aid of woman. Man projects, invents, and builds, but it takes woman to spur him on and beautify his work."

"Our roads should be lined with shade trees in order to beautify and afford protection and comfort to the traveler."

"We commemorate the birth of Washington, the father of the grandest country on the face of the earth, where all by honest toil may have comfort, freedom, and liberty. Let us commemorate the mothers of our country by the planting of shade trees along our highways and making them beautiful."

This 22d day of February, 1913, has this prophesy been fulfilled in Harris County (see clipping from Houston Post):

"Trees to be planted to-day; official and representative citizens to be present; camphor trees will be used to line driveway between Houston and Galveston, rotary club plan."

And another:

"Every citizen of Houston is urged to plant one or more roses to-day, that in years to come Houston will be known as the rose city as well as 'Magnolia City.'"

I extend an invitation to the International Good Roads Congress to hold their next congress in Houston, Harris County, Tex.

Houston: The most progressive, hospitable, and courteous city in the State, and the only city in the world where the paved streets in the business section are torn up regularly every month to accommodate corporations and keep the business men wide awake.

Harris County: Which has more good roads and smoother roads than any county in the State, and which, on February 20, 1913, voted another million-dollar bond issue for good roads and carried the same by a vote of 7 to 1.

Texas: The largest, best, and only Lone Star State in the Union.

Resolutions unanimously adopted at the Illinois State and Interstate Good Roads Convention, Auditorium Hotel, Lincoln's Birthday, Chicago, February 12, 1912.

Whereas the statutes of Illinois with reference to highway improvement have not been materially changed since 1883, and whereas the demand for highway improvement is imperative because of the growth of many modern inventions, and whereas the citizens of Illinois seem to be unanimously in favor of improvements of this character, but are hampered by laws which prevent a practical, economic, efficient, and systematic improvement of our highways; and

Whereas all the other progressive States of our Union, no greater in wealth and population than Illinois, have adopted modern methods for financing, building, and maintaining adequate systems of hard roads, with an equitable sharing of the expenses thereof by the people of the State and local communities; and

Whereas the date of the holding of this convention is the anniversary day of the birth of the immortal Lincoln, and were he alive he would apply the same constructive thought to this most important public necessity as characterized every move of his life: Be it therefore

Resolved, That this association, in convention assembled, urge the Legislature of the State of Illinois that the subject of good roads be made one of the important subjects for consideration at the next general assembly, and that legislation be enacted eliminating the obsolete and criminally incompetent provisions now on our statute books and substituting therefor legislation whereby an immediate and close cooperation can be had between all of the people of the State for the speedy construction of an adequate system of highways; that an appropriation be made by the State for a substantial portion of the expense thereof, to be expended under the direction of the highway commission of the State; that the powers of the highway commission of the State be amplified, and that they may be given such power as will enable them to build a complete system of modern highways throughout the State of Illinois, and that when by the development of this system of modern highways the road between Chicago and St. Louis, via Springfield, is completed it be officially known as the Lincoln Memorial Highway; be it

Resolved further, That this movement being wholly nonpartisan and nonsectarian and of equal benefit to all the taxpayers of the State, we solicit the assistance and cooperation of the women and the public press of the State of Illinois; be it also

Resolved, That we invoke the financial support of all the citizens of the State of Illinois to assist in the organization of this work and the accomplishment of its purposes; be it further

Resolved, That we recognize the great and patriotic service rendered to this cause by the president of this organization, the Hon. Arthur C. Jackson.

Judge V. V. BARNES,
W. A. SMITH,
F. FOWLER,
M. E. SPRINGER,
C. W. TERRY.

FEBRUARY 12, 1912.

Room 132-4, Auditorium Hotel.

Address by Miss Maude E. Jones, secretary the National Good Roads Association, at the Englewood Woman's Club, Chicago, February 24, 1913.

Madam President and members of the Englewood Woman's Club, I heartily appreciate the honor of having been invited to meet with you and acquaint you with some of the work that has been done by the National Good Roads Association and some of its plans for the future.

The production of permanent public roads and streets is one of the most important problems of the century, affecting the material and social well-being of all classes and conditions of people, and the Fifth

International Good Roads Congress is hereby called to meet in Chicago, February 26-March 2, 1913.

Thomas J. Tynan, warden of the Colorado State Penitentiary, will exhibit 2,000 feet of motion picture films and many lantern slides, illustrating convict road camps and actual construction of good roads in Colorado by convicts, which have been taken 100, 200, 300, and more miles away from the penitentiary. Perhaps no man in the country has done more to demonstrate the inhumanity and uselessness of the ordinary treatment of convicts in our penitentiaries. Why should not Illinois profit by the splendid example of Colorado and other States that use large numbers of these men in building roads and rebuilding men without reference to term of sentence?

For 13 years the National Good Roads Association has advocated the use of convict labor for road construction, and one of the six original articles of association, adopted at Chicago in the year 1900, reads as follows:

"To utilize all able-bodied tramps, vagrants, paupers, prisoners, and convicts in preparing materials and building public roads and streets."

At the Fourth International Good Roads Congress held in this city two years ago the governors of four States were present at one session, and the address of Gov. SHAFROTH, of Colorado, who will be a United States Senator from Colorado during the next six years, detailing the Colorado method of using convicts in building roads, made a profound impression. The governor showed how convicts were taken 50, 100, 200, and even 300 miles away from the State penitentiary and voluntarily gave a most devoted service to the State in return for the privilege of being in the open air and away from prison walls; that the men thus engaged worked without armed guards and were not even locked up at night, and that a stranger passing one of these convict camps, or even if he tarried long enough to examine it, could find nothing whatever to suggest that the workers were from a penitentiary. These results would appear to be almost unbelievable had they not been abundantly demonstrated. Such conditions must develop a new hope and a new life and prepare men to become useful citizens.

The secret of all this is twofold: First, a warden who is in love with his work and takes a personal interest in the well-being and the regeneration of the men in his charge, and, second, a State law which gives the convict a third of his time off when working on the roads. Thus a man who is sentenced to a three-year term may, by working on the public highways, serve but two years. Also there is in Colorado, as in some other States, what is called the indeterminate sentence. It is thus explained by Senator SHAFROTH:

"The judge will sentence a man for a term of from 10 to 20 years. The lesser is called the minimum, and the greater the maximum sentence. If the prisoner's conduct is good, he saves time even on his minimum sentence. In a 10 to 20 year sentence, if his conduct is perfect and his road work good, he can get out in four years and three months, when he is placed on parole until the end of his maximum sentence."

"We have had fewer escapes," said the governor, "under this practice than we ever had in the history of the penitentiary of the State of Colorado. There are in the State at this time 750 prisoners in the penitentiary, over 300 of whom are out at work upon the public roads. When we realize that in all States of the United States there must be at least 100,000 prisoners, it is clear that there is a force for work in the building of good roads that is enormous. Take 200 convicts and estimate their work at the rate of \$2 a day each. There is \$600 a day that goes into the construction of good roads. That is a very large amount. In some of the Eastern States, where the number of prisoners is very large and the territory very small, what great results could be accomplished."

"We have found," continued the governor, "that this inducement, this hope of reward, has a most salutary effect upon the conduct of the men, even after they are discharged from the penitentiary. The very fact that a man earns his liberty by his own work puts into him a spirit of independence, a hope, the knowledge that if one can get reward in a penitentiary he can surely get it in the open field of labor. Consequently there is a new-born hope in him, which is likely to make him a better man and a better citizen. It is for these reasons I feel that every State ought to pass a law giving a commutation of sentence to every prisoner who will work upon the public roads."

We have distributed many thousand copies of the address of Gov. SHAFROTH, and reached with them every State of the Union, as well foreign countries.

Here is something for us to do worth doing—something fully a million miles in advance of pink teas and bridge whist. The women's clubs of Illinois, by a united demand upon the legislature for the Colorado law in this State, can secure it, and it would be an achievement of the greatest practical value, both to the prisoners and to the State.

In this connection let me call your attention to the Lincoln Memorial Highway, planned to connect his home in Springfield with Chicago, St. Louis, and the county seat of every county in the State, and outlined in the official call for the Lincoln Birthday Good Roads Convention of last year. "A great central boulevard between these three cities, which shall surpass in beauty, usefulness, and permanency any equal mileage of highway in the world, and connecting with it from the county seat of every county in the State an equally permanent and serviceable public road, which may serve as a daily reminder of him whose greatest ambition was to serve his fellow men, as well as providing Illinois with a permanent system of roads, which will be an almost inconceivable source of wealth to the State."

I think were Lincoln alive his great heart would rejoice at the thought of a work of such usefulness to all of the people, being done by the voluntary labor of those unfortunates who thus expiated in some measure their offenses against society; and I also believe that the thought of aiding in the production of such a monument to the martyred Lincoln would ennoble the work in the mind of many a prisoner engaged in it and make of him a better man.

Why not the club women of Illinois make this a reality by uniting in an aggressive demand for the Lincoln memorial road?

Address of Miss Alma Rittenberry, chairman Jackson Memorial Highway Commission, Birmingham, Ala., before Fifth International Good Roads Congress, Chicago.

I am diligently at work in the interest of the Jackson Highway, which is a Lakes-to-the-Gulf highway—a work planned and launched by the Alabama Daughters of 1812 at the Fourth National Good Roads Congress, held in Birmingham in 1911. I can best express the work in the words of Mrs. Walter W. Watts, who represented the chairman at your meeting in Baltimore last June:

"LADIES AND GENTLEMEN: In behalf of the Jackson highway committee in my own behalf as State president, and in behalf of the North Carolina Daughters of 1812, as well as in behalf of the patriotic

citizenship of North Carolina, the birthplace of Andrew Jackson, I file my earnest plea for the great practical and useful monument, in the form of a public highway from the Lakes to the Gulf, which was launched under the auspices of the Alabama Daughters of 1812 in honor of the hero of New Orleans. Andrew Jackson was a man of action and one in whose veins blood ran warm and quick, therefore no monument of unfeeling stone to him, no statues of cold metal, but better yet, a great utility to honor a great utilitarian, a pulsating life-given thoroughfare, devoted to the needs and pleasures of those whose prosperity and happiness were largely made possible by the tenacity of purpose and temerity of patriotism of this great North Carolinian. Call it the Jackson Highway, build it better than Appius Claudius built the Appian Way, and, as near as possible, along the routes of the doughty old warrior's military roads, and a monument will have been built to Gen. Andrew Jackson, patriot, soldier, and statesman, that will survive longer than the Coliseum of ancient Rome, and reflect honor for the pride of posterity."

CHICAGO, ILL., March 1, 1912.

Resolved, That the conservation committee indorses the good-roads movement in the State of Illinois, and the proposed State highway to lead from Chicago to Springfield, and from Springfield to St. Louis, Mo., as an initial step toward the consummation of the national highway from the Atlantic to the Pacific Ocean.

CHICAGO, ILL., March 1, 1912.

Resolved, That in view of the proposition made to the conservation department, Illinois State Federation of Women's Clubs, by Mr. Jackson, president of the Illinois State Good Roads Association—

First, That the members of the department indorse the calling of a woman's good roads convention, to be held April 3 and 4, 1912, at the Auditorium in Chicago.

Second, That we further the proposition by asking every club to cooperate by sending representatives to the convention.

Resolved, The Englewood Woman's Club heartily indorses the movement of the National and Illinois State Good Roads Associations—to employ convict labor in the making of good roads.

Resolved, We, the Ravenswood Woman's Club, heartily indorse the movement of the National and Illinois State Good Roads Associations—to employ convict labor in the making of good roads.

Resolved, That the Park Ridge Woman's Club has unanimously decided that the club is every ready to do all in its power to assist in the much-needed work of improving the roads of Illinois, and approves of the plan of showing the respect of our great American, Abraham Lincoln, of naming a great highway which it is hoped will be soon built in honor to so noble a citizen. What more memorable monument could be erected to his memory—one that can not only be looked upon but can be of real service to thousands of people?

Resolved, That we are very desirous of being identified as life members of both the National and Illinois State Good Roads Associations.

Resolved, That the Woman's Club of Austin indorses the use of convict labor in the building of good roads, the proposed Lincoln memorial road connecting Chicago with Springfield and St. Louis and the county seat of every county in the State, and accepts life membership in the good roads association, as per inclosed blank filled out for the club.

Resolved, That the Millard Avenue Woman's Club heartily indorses the movement of the National and Illinois State Good Roads Associations to employ convict labor in the making of good roads.

Resolved, That the Garden Prairie Woman's Club heartily indorses convict labor on the public highways, to better facilitate the marketing of agricultural products; and, second, we are very much in favor of the building of a Lincoln memorial road.

Resolved, The Woman's Club of Henry indorses the use of convict labor in building good roads and the proposed Lincoln memorial road connecting Springfield with the county seat of every county in the State and also accepts life membership in the National and Illinois State Good Roads Associations.

Signed by 40 woman's clubs from different cities of Illinois.

TARIFF DUTY ON SUGAR AND WOOL.

Mr. NEWLANDS. In my remarks the other day upon the tariff I made reference to certain telegrams, extracts from speeches, platforms tentative and otherwise, and I thought I had asked leave to have them inserted in the Record. I find I did not, and I now make that request.

The VICE PRESIDENT. Is there objection?

Mr. JONES. In view of the fact that other matters have been permitted to be printed in the Record to-day I shall not object to the request of the Senator from Nevada.

The VICE PRESIDENT. There being no objection, leave is granted to print in the Record as requested.

CLOTURE AND DILATORY TACTICS.

Mr. OWEN. I desire to give notice that on Friday next, June 20, following the routine morning business, I shall address the Senate on the subject of cloture and dilatory tactics.

THE TARIFF (S. DOC. NO. 108).

Mr. SMOOT. I have prepared certain data relative to the amount of merchandise imported into this country for consumption from the year 1907 to the year 1912, showing the amount of importations that were free, the amount that were dutiable, the duty collected, the average equivalent ad valorem, and other information. I ask that these data may be printed as a public document.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. Mr. President, I desire to inquire of the Senator from Utah [Mr. Smoot]—I am not objecting to his request—when he proposes to have published the matter which he submitted to the Senate probably a week or 10 days ago, to

the printing of which I objected at the time, asking for an opportunity to look into it. After examining it I became convinced they were valuable data, but the Senator desired me to return them for some corrections, stating, as I understood, that he would ask to publish the matter later. I should like very much to know when the Senator proposes to have the data published. If he can not publish them, I should like to ask if the Senator will permit me to examine them?

Mr. SMOOT. Mr. President, in answer to the inquiry of the Senator from North Carolina, I will state that I would have had this information published before this, only there has been objection raised each time I have asked to have it printed as a public document. I have, in connection with that, a separate document which I have prepared and which I desire to print with it; and I expect at the next session of the Senate to ask that that be printed as a part of the document which I have already obtained permission to print. I think by that time that I shall have the other document referred to by the Senator from North Carolina ready for the printer.

Mr. SIMMONS. I will say to the Senator that I shall be glad if he will have it printed this week. I think it is valuable information that the committee ought to have, and has been prepared, as I understand, by an official of the Department of Justice. It is a mere analysis of certain provisions of the bill, showing the connection of one section with another section. After examining it, I think it ought to be printed. I will ask the Senator whether he will not now ask for permission to have it printed?

Mr. SMOOT. Mr. President, if I had the document here and had the corrections already made, I should gladly ask permission to have it printed. I will repeat to the Senator from North Carolina now that I think I will have it ready by the next session of the Senate.

Mr. SIMMONS. The Senator from Utah can obtain permission now to have it printed and get the matter ready subsequently.

Mr. SMOOT. By the next session of the Senate I shall have it ready. I will say to the Senator that the document I now ask to have printed relates to questions that will arise in the discussion of the tariff I suppose every day during the debate. I have, therefore, asked that this small document be printed as a public document.

Mr. SIMMONS. I am not objecting to that at all; and, if the Senator will permit me, I will ask consent to have printed the other matter, so that we may have the use and benefit of it. As I have stated, it has been prepared by a Government official.

Mr. SMOOT. I do not desire the Senator from North Carolina to ask unanimous consent for that purpose. I will say to the Senator from North Carolina that I will ask unanimous consent for that purpose just as soon as the document is prepared, and I think it will be ready by the next meeting of the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina a question before he takes his seat.

Mr. SMOOT. I should like to know, Mr. President, whether there is any objection to printing this matter I have asked permission to have printed?

The VICE PRESIDENT. Is there objection to printing as a public document the matter referred to by the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina whether he can advise the Senate as to when we may expect the tariff bill from the Committee on Finance?

Mr. SIMMONS. I will say to the Senator from Michigan that we are working under high pressure. On yesterday we held three sessions—morning, afternoon, and at night. Of course the meetings of the Senate interfere somewhat with our work, but after to-day I shall ask permission of the Senate that we may hold our meetings during the sessions of the Senate, if necessary, though I do not suppose that will be necessary. I think I may say to the Senator from Michigan that some time during next week we shall be able to report the bill to the Senate.

THE THREE-YEAR HOMESTEAD LAW.

Mr. BORAH. Mr. President, I understand the Senator from Washington [Mr. JONES] has consented that we may have some memorials printed in the Record. In view of that fact, I want to call the attention of the Committee on Public Lands to the fact that during the last session of Congress we passed what is known as the three-year homestead law. The bill as it passed the Senate provided for a residence period of three years and for an absence from the homestead of five months out of each year. After the measure went to the House of Representa-

tives—either in the House or in conference—there was inserted a clause which provided for the cultivation of not less than 10 acres during the second year and of 20 acres during the third year. That clause was inserted by those who were afraid of speculation in public lands, but its only effect is to work a material hardship to those who are not speculators, but who are honestly endeavoring to secure homes, but by reason of their limited means can not do so upon a great deal of the public lands. The result of this law has been to put in peril a number of homesteads throughout the West. Men who have gone upon their homesteads and have cultivated them to a certain extent now find themselves unable to comply with the law, and their homesteads in some instances are held for cancellation. So it is one of those things in regard to which it is necessary that Congress act at once if it is to serve those who are now in peril of forfeiting their homesteads.

I do not know whether the Public Lands Committee will report a bill in reference to this matter at this session, but there has been a bill introduced by myself which is now before the Public Lands Committee providing for an amendment to this law. In order that the Public Lands Committee may be informed as to the great necessity of quick action in regard to the matter, I ask to have printed in the Record a letter addressed to Hon. Joseph N. Teal, of Portland, Oreg., a gentleman who has taken a great deal of interest in these matters, by one who has observed, and from experience knows, the effect of this amendment which was inserted as I have stated in the new homestead law. I particularly call the attention of the Public Lands Committee to this letter, hoping that after reading it the committee will conclude to report a measure at this session for the purpose of amending this law.

Mr. SHIVELY. Mr. President, does the Senator from Idaho mean to say that the act passed at the last session of Congress was so worded that it affected the homesteader then on the land and changed his obligations?

Mr. BORAH. Yes; that is the effect of the law as it has been construed.

Mr. SMOOT. Mr. President—

Mr. BORAH. In other words, if the Senator from Utah will excuse me just a moment, under the old law there was no specific amount of land required to be cultivated, but under the new law it is required that a man cultivate not less than 10 acres the second year and 20 acres for the third year. A man desiring to avail himself of the new law must comply with its terms, of course, and, in addition to that, there has been a construction which would seem to indicate that he must comply with the new law and can not complete his proof under the old law. In any event all new entrymen must comply with the new law. So the title of a number of these homesteaders is in peril, especially in parts of Oregon and northern Idaho and other sections of the country with reference to these cut-over lands. It is just as difficult to clear the cut-over lands as it is to clear lands in the first instance; it costs from \$75 to \$100 per acre; and a man must have a bank account in order to comply with this provision of the law. In fact, as so clearly and fully shown by this letter, written in a most convincing way, the law, as it now stands, is impossible of compliance by men of limited means—the men who ought to be favored by homestead laws.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question to ascertain whether I understood him aright. Does the Senator say that there has been a ruling by the Interior Department that an entryman must prove up under the amended law?

Mr. BORAH. No; I did not say that. I said that the rulings were such as to indicate that the only safe course for the entryman to pursue was to prove up under the new law. There has not been a distinct ruling upon the proposition, but I will say that under the new law the Senator will remember there was a provision that under a given state of circumstances the Secretary of the Interior could reduce the amount of land required to be put under cultivation. The Secretary of the Interior preceding the present Secretary of the Interior ruled in regard to that matter in such a way that it is a dead letter, because the conditions under which the Secretary will reduce the amount of cultivation are conditions which seldom, if ever, arise. The clause had just as well have been eliminated.

Mr. SMOOT. That is not, then, the fault of the law, but is the fault of the ruling made by the Secretary of the Interior, because the law specifically provides that in certain cases and under certain conditions the Secretary of the Interior is authorized to reduce the amount of cultivation.

Mr. BORAH. Of course it is not the fault of the law in a technical sense, but we ought to make it so plain that there can be no possible avoidance of its terms.

Mr. SMOOT. Of course, Mr. President, the entryman has his choice as to which law he will prove up under—whether under the original homestead law under which the entry was made or whether he desires to prove up under the three-year homestead act.

The VICE PRESIDENT. Is there objection to printing in the RECORD the letter referred to by the Senator from Idaho [Mr. BORAH]? The Chair hears none.

The letter was referred to the Committee on Public Lands and ordered printed in the RECORD, as follows:

HON. JOSEPH N. TEAL, Portland, Oreg.

DEAR SIR: In compliance with your request I give you my views as to the advisability of amending the three-year homestead law.

During the larger portion of the time between 1901 and 1910 I was engaged in surveying and looking over Government land in the interests of home seekers. While engaged in this work I entered almost every township of land in western Oregon, and became thoroughly familiar with the problems and difficulties which the homesteader has to face in this particular section. On March 14, 1910, I took up a homestead of 160 acres in Lincoln County, Oreg., which I have since occupied and cultivated.

In my entire experience I have not found a single claim of 160 acres in western Oregon upon which the average homesteader could comply with the requirements of cultivation of the three-year law. This law requires that the entryman must cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth beginning with the third year of the entry.

Under this new law the Secretary of the Interior has the power to reduce the cultivation requirement upon a "satisfactory showing" by the entryman. This phase of the law means practically nothing in the actual operation of the law to the homesteader, because the Secretary may defer action on application for a reduction in cultivation until final proof is made on the entry. During the entire life of the entry the entryman is to live in suspense, and the final result of his efforts and labors is to be a lottery until the statutory period of his entry has elapsed. And if I may judge the future by the past the entryman would find that the Land Department, for some cause or other, would cancel his entry or at least protest the same.

I say that it is impossible to comply with the cultivation requirement of the three-year law in the western part of Oregon and in many places in the eastern part of the State; also in the mountain regions of the other public-land States. The conditions in western Oregon which make this law inoperative are:

First. All the available Government lands are located in the foothills, and but a small percentage of each claim is level enough to permit actual cultivation. There are no valley lands. Actual cultivation and farming can be done only in small areas. The steep hillsides are used for grazing only, and the department has held that grazing can not be accepted as cultivated land.

Second. These lands are far removed from railroad transportation, often a considerable distance from wagon roads, and the homesteader finds that he must first open up his claim by building trails and roads. This road building and the building of a house requires all of the first year of the entry, and but very little can be done in clearing and cultivating. Material for buildings must be hewed out of timber found on the land. If there is no timber, then lumber must be hauled a long distance.

Third. Practically all of the vacant lands are located in what is known as the "burnt-over lands." This land was at one time heavily timbered, but the timber was deadened by fire many years ago.

When the homesteader goes upon this land he finds rich productive soil, but he is confronted with the trunks of the old decayed trees, which are often from 3 to 6 feet in diameter. He also finds the stumps of these monstrous trees, and in many places a very heavy undergrowth of alder, maple, ash, and fern, all of which has no commercial value. The photographs marked "A" and "B" show the condition of the land in the burnt regions.

Fourth. The expense of building trails, roads, and bridges to reach these lands is often large and must be met by one or two homesteaders. There are but few claims to be found in one location.

This work and the building of a house often requires all of the first year, and there is no time for clearing and cultivating land.

Fifth. The average homesteader is a laboring man, and has very small financial resources with which to make a home, even though the land was more accessible and more easily cleared.

Sixth. The average cost of clearing an acre of this land is \$125, and sometimes exceeds \$200.

The three-year law was passed June 6, 1912, and it provides that proof may be made on unperfected entries either under the old homestead law or under the new law, as the entryman may elect. In every instance the entryman elected to make final proof under the old law. This is positive proof that the three-year law does not reduce the requirements and that it imposes hardships which the old law did not. It shows that the entryman would rather make proof under the old law, although the new law gives him the right to be absent from the claim five months of each year.

The new law has caused a decrease in the number of homestead filings, and I know of numerous instances where the entryman who filed under this act relinquished his rights after learning that he could not comply with the requirements of the act. Land scrip has been filed on this same land.

I suppose Congress really intended that this law should give the homesteader relief, and that it would result in increasing entries under the homestead laws. The actual operation of the law is to the contrary. It works against the homesteader and the Government and works in the interests of the land speculator and the scrip owners and the railroad companies.

The mistaken idea of requiring a large and definite area of cultivation originated with those who sought some scheme to prevent timbered lands from being entered under the homestead laws. In the first place, there are no timberlands subject to entry. Timberlands have passed out of the hands of the Government through the timber and stone act and by scrip selections, and it is now too late to shoulder the responsibilities upon the poor homesteader and make him suffer the sins of poor management upon the part of the Government. In the Portland district, where it would be supposed that many timber and stone entries were being made, we find that during the past year only 20 entries were filed, and these have been in most instances for 40-acre tracts. This is proof that the timberlands are gone.

Should the homesteader have the good fortune to secure a claim which has some merchantable timber, it would certainly be the best thing for the Government and all concerned to have the land entered in this way, because under scrip selections the land passes to the speculator, who gives the Government nothing in return, neither does he help to open up and improve the country.

The old homestead law was a good one. All it needed was an amendment shortening the period of residence, and then a sensible construction of the cultivation requirement.

In lieu of the cultivation requirement of the new three-year law I would suggest that the entryman be required to place upon the land improvements up to a certain value each year of the entry.

The average homesteader has less than \$500 in money and personal property when he enters a claim. He finds the lands as I have described. The improvements which he will be able to make the first year will be the building of trails and roads and a house. In addition to this, he will be able to clear a patch of ground, say one-fourth of an acre, and perhaps raise a small garden. At the end of the first year he will have spent \$300, and his improvements will be worth at least \$400. During the second year he is compelled to work away from home a part of the time, but he will succeed in clearing from 1 to 1½ acres. This he will plant and cultivate during the third year. At the end of the third year he will have improved the land to the extent of \$600 to \$800. He will now offer final proof. He has done all that he could do. He has made for himself a home. He has done a great deal for his country, State, and county, and there is no good reason why he should not have title to the land, although he has less than 3 acres of land actually cleared and cultivated.

It is a well-known fact that the early settlers throughout the Willamette Valley did not clear and cultivate in excess of 1 acre each year on similar lands.

My own experience in homesteading has proved to me that the three-year law is nothing short of a farce.

About one-third of my claim is creek bottom land and is covered with a heavy growth of alder and maple. The balance of the claim is hillside and has a growth of fir timber. Both the hill land and the creek bottom is rich, productive soil.

When I began my residence on this land I had \$2,000, out of which I used \$1,800 in improving the land. During the first six months of my residence we lived in tents, and during this time I built trails and roads, and built a house hewed from material which I found on the claim. The house is shown in the photograph marked "C." It is 22 feet by 22 feet and contains four rooms. The next six months was spent in clearing land. Beginning with the second year I had 1½ acres cleared and in actual cultivation. Beginning with the third year I had 3 acres in actual cultivation. The land cleared was on the creek bottom, and cost of clearing \$130 per acre. The land cleared is shown in the foreground in the photograph marked "D," and the condition of the land before cleared is shown in the background.

At the end of the third year I had a house, small barn, woodshed, and other outbuildings and a total clearing of 3½ acres, all under fence. The total improvements cost \$1,800.

I made proof under the old law. It would not have been possible for me to make proof under the three-year law.

The land which I cleared will grow almost any and all kinds of crops. Less than one-eighth of an acre produced 2 tons of cow turnips, and one-half acre produced 2 tons of timothy hay.

The homesteader with 2 or 3 acres of cleared land, and with the advantage of grazing the hill sides with his stock, will make a more comfortable living for his family than the laboring man in the city on wages of \$3 per day. The stock will graze the year round, and about all the crops necessary to grow will be for the use of his family.

Senator BORAH has advocated the changing of the three-year law by inserting in lieu of the cultivation requirement an improvement requirement. He thinks that the entryman should place upon the land each year improvements to the value of \$150 per acre. This is about what could be expected from the average homesteader, and I think it is a common-sense idea.

I trust that you will succeed in amending this law, and that I may have said something that will assist you in your efforts.

Yours, very truly,

H. A. HOSTETLER.

ROCCA, OREG., June 9, 1913.

INHABITED ALLEYS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 107, submitted by Mr. WORKS on the 10th instant, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to furnish to the Senate the names, residences, and occupations of all persons owning and renting houses or rooms within what are known and designated as the "inhabited alleys" of the District of Columbia.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INDIAN APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. STONE. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent that the Senate proceed to the consideration of House bill 1917—the Indian appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The VICE PRESIDENT. The pending amendment is the amendment of the Committee on Indian Affairs, on page 2, line

9, to strike out "\$220,000" and insert "\$200,000." The Senator from Oregon [Mr. LANE] is entitled to the floor.

[Mr. LANE addressed the Senate. See Appendix.]

Mr. CLAPP. In connection with the remarks just submitted, I should like to have printed in the RECORD pages 1 and 2 and part of page 3 of the hearing before the subcommittee of the Committee on Indian Affairs of the House of Representatives held December 2, 1912.

The VICE PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C., December 2, 1912.

The subcommittee this day met, Hon. JOHN H. STEPHENS (chairman) presiding.

The CHAIRMAN. The first item in the bill is:

"For the survey, resurvey, classification, appraisalment, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians,' and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, \$200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended."

The following justification has been furnished your committee for this item:

SURVEYING AND ALLOTING INDIAN RESERVATIONS (REIMBURSABLE).

Fiscal year ending June 30, 1913, amount appropriated..... \$250,000.00

Fiscal year ended June 30, 1912:
Unexpended balance from previous appropriations..... 65,167.44
Amount appropriated..... 215,000.00

Amount expended..... 280,167.44
255,821.05

Unexpended balance..... 24,346.39

ANALYSIS OF EXPENDITURES.

Salaries and wages.....	\$193,548.67
Transportation of supplies.....	3,226.78
Traveling expenses.....	6,048.47
Telegraph and telephone service.....	45.81
Miscellaneous material.....	3,828.13
Stationery, printing, etc.....	651.79
Fuel.....	674.37
Forage.....	15,175.92
Provisions.....	9,391.39
Equipment.....	6,437.14
Unclassified expenses, General Land Office.....	11,718.42
Power, mineral, and geologic investigation by United States Reclamation Service.....	4,639.15
Miscellaneous.....	435.01
	255,821.05

JUSTIFICATION.

ESTIMATES FOR 1914.

The estimate of the \$250,000 submitted for surveying and allotting Indian reservations, reimbursable, 1914, are required for the following purposes:

Completion of allotment work, surveying of town sites, classification and appraisalment of surplus lands, Colville Reservation, Wash..... \$25,000

It is expected that the allotment work on the Colville Reservation, Wash., will be completed next spring. The act of Mar. 22, 1906 (34 Stat. L., 80), provides that upon the completion of the allotment work the surplus lands shall be classified and appraised and opened to settlement and entry by proclamation of the President and authorizes the reservation of such tracts for town-site purposes as may be required for the future public interests and to survey such tracts into blocks and lots.

Allotment work, Pine Ridge Reservation, S. Dak..... 20,000

It is estimated that it will require two allotting crews for two years to complete the allotment of the Pine Ridge Indians; \$20,000 will be required to keep two crews in the field during the fiscal year 1914.

Survey work by General Land Office..... 125,000

The official survey by the General Land Office is the first and most important step in the allotment or other disposition of Indian lands. The reservation of tracts and erection of buildings and improvements thereon, for school or agency purposes, depends upon first procuring a proper description of the lands in terms of public surveys. Official surveys by the General Land Office must first be made before lands available for town-site purposes can be reserved and placed on the market or allotments made to Indians so that they can procure such title thereto as to warrant them in improving and cultivating their lands and establishing their homes thereon.

In this connection attention is invited to the following surveys which should be made at the earliest practicable date: Conditions on the various private land grants confirmed to the Pueblo Indians of New Mexico by the Court of Private Land Claims require that the boundaries of these grants be determined and marked with permanent monuments at the earliest practicable date. Conflicts are constantly arising between these Indians and white settlers, involving valuable timber and water rights, which

can only be finally settled and avoided in the future by determining and locating the boundaries of these various pueblos. It is estimated by the General Land Office that it will cost approximately \$20,000 to survey the boundaries of these pueblos and establish mile and half-mile monuments with iron posts, brass capped.

The town site of Klaxta, within the Spokane Reservation, Wash., was established on May 19, 1908, under the provisions of the act of June 21, 1906 (34 Stat. L., 377). Conditions in this part of the reservation require that reservations be made as to flowage rights, dam and mill sites pertinent to water power within the town site of Klaxta, and that the town site be surveyed into blocks, lots, streets, and alleys and lots disposed of as provided by the act of May 29, 1908 (35 Stat. L., 459). The cost of this work is estimated at \$3,000.

Five thousand dollars will be required to survey 45 Indian allotments on unsurveyed lands in T. 32 N., Rs. 11 and 12 E., and T. 33 N., R. 11 E., within the Washington National Forest, Wash. This work should be done at the earliest practicable date, as there is constant conflict between the allottees and the Forest Service officials, due to the disputed location of the allotments.

Surveys to definitely determine and mark the boundaries of the Fort Spokane Military Reservation, Wash., and parts of the boundaries of the Umatilla Indian Reservation, Oreg., are urgent.

The lands patented to the several bands of Mission Indians in California should be surveyed, so that they may be allotted in severalty and the allottees placed on allotments in order to bring them under cultivation and make permanent homes for themselves at the earliest practicable date.

These surveys and others which will come up during the fiscal year 1914 will require at least \$125,000 to perform.

Mineral and power-site examinations, Geological Survey..... \$25,000

There are a large number of cases involving the sale or other disposal of Indian lands pending, awaiting the examination of the lands by the Geological Survey to ascertain their value for mineral or power and reservoir site purposes. It is estimated that it will require \$25,000 to make the examinations required during the fiscal year 1914.

Allotments, Shoshone Reservation, Wyo..... 10,000

It is estimated that it will require one allotting crew for 10 months to make allotments to the unallotted Indians entitled to allotment on this reservation.

Allotments, Hoopa Valley Reservation, Cal..... 10,000

It is estimated that it will require one allotting crew for 10 months to allot the unallotted Indians on this reservation.

Allotments, Duck Valley Reservation, Nev..... 15,000

It is estimated that it will require one allotting crew for 12 months to allot the Indians on this reservation.

Allotments, public domain..... 20,000

It is estimated that it will require \$20,000 to provide for two allotment crews making allotments on public domain and for the adjustment of allotments heretofore filed.

Total..... 250,000

Mr. STONE. Mr. President, I shall not consume the time of the Senate by any reply to the quite interesting address of the Senator from Oregon [Mr. LANE]. It may be that the general administration of the Indian Bureau under the Secretary of the Interior is deserving of criticism. I think it is true that in the long stretch of years the administration of the affairs of that important bureau has been running too much in ruts, and that there ought to be some reformation in the general administration of its affairs. I have been under that impression for some years.

The Committee on Indian Affairs in this bill has reported a provision authorizing the appointment of a body to look into the whole field of the administration of Indian affairs, in the department itself and at the various agencies of the country. It will have full authority, if the provision is agreed to by the Congress, to make every possible investigation; and it will be the duty of this body to make recommendations in its report for the future action of the Congress.

The Senator from Oregon is a member of the Committee on Indian Affairs, and that committee was engaged for several weeks upon hearings. They covered almost every phase of the questions and interests involved in Indian administration. The Senator from Oregon was a member of the committee, as I have said, and was quite a constant attendant upon its deliberations. A great deal of information was called for—in fact, far more than it has been customary for that committee to call for in the consideration of Indian appropriation bills. The department supplied a great fund of information in response to the demands made. This information, in a written report, containing tabulations showing expenditures and all that, was laid before the committee and before the Senator from Oregon.

The Senator has asked for information upon this or that paragraph in the bill. It is not within my power to give any information that has not been already supplied by the department.

Now, Mr. President, I have here a document prepared by the bureau which is entitled "a statement including all claims paid on account of the fiscal year 1912 up to April 1, 1913," covering the last appropriations. I am going to ask at this point that

this document, which I send to the Clerk's desk, may be printed as a public document for general information.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be printed as a public document (S. Doc. No. 107).

Mr. STONE. Mr. President, I am not going to take up time in discussing the bill in general. I am very anxious to dispose of it. It must be disposed of speedily. There are at least two conclusive reasons why it should be done. At the end of this fiscal year, June 30, if the bill be not passed there will be no available funds for carrying on the business of this great bureau. We are now at the middle of June. The bill must go to the House of Representatives. In the bill there are numerous important amendments. We can not know whether the House will agree to them. Many of them, I think it safe to say, the House will not agree to. That may mean a more or less protracted conference.

In addition to that, as was stated this morning by the chairman of the Finance Committee, it is expected that the tariff bill, so called, will be reported to the Senate next week. I am very anxious, Mr. President, the entire committee—I think even including the Senator from Oregon—are anxious to get this matter out of the way. If I misstate the position of the Senator from Oregon—

Mr. LANE. I do not think so much of the bill that I care what happens. I prefer to starve them down a little that we may arrive at the facts, and then act on the facts.

Mr. STONE. Then the Senator from Oregon places himself alone among the members of the committee—

Mr. LANE. Yes; I think he does.

Mr. STONE. In the expression of an absolute indifference as to whether an appropriation bill of this importance shall be passed by the Congress.

Mr. LANE. Pardon me, Mr. President.

Mr. STONE. It may be that the Senator from Oregon is willing for some tangible reason of his own to hang this bill up and hang the department up and leave it with paralyzed hands and arms to carry on the business committed to it. If so, I am sure that he stands alone in the membership of the committee.

Mr. LANE. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Of course I yield.

Mr. LANE. I thank the Senator very much.

Mr. President, I suggested that there is a way by which we could carry on the service. I have seen it done in legislative bodies before. They run up a deficiency now without permission or consent. They could carry on the affairs of this department just as carefully as they do now, with all the expenditures allowed month by month, until this body dug into the entrails of the service and found out the facts. You will never do it otherwise. I prefer that method.

Mr. STONE. In other words, the Senator from Oregon would like to have monthly appropriations.

Mr. LANE. Until such time as we knew the facts governing them.

Mr. STONE. And how are we to know the facts, whatever they may be, that the Senator has in mind except by some sort of a protracted investigation?

Mr. LANE. If the Senator will pardon me, I take it it can be done right here in 90 days, without moving out of the committee room upstairs; and if you did that you would not be under the painful necessity of having a puzzling deficiency, which I do not think you or any of the rest of us knew anything about and which is being sought here on this floor at this time. You would escape that.

Mr. STONE. I confess after three weeks of the time of the Senate committee being absorbed in these very investigations the other members of the committee, as a rule at least, have been unable to find out what the Senator from Oregon has in his mind and what he is trying to do. He seems to have something under his vest or shirt, but nobody else knows what it is.

Mr. LANE. Mr. President, will the Senator allow me to reply kindly to that criticism? The deficiency which is covered up in such a manner that the legislator does not know that he is providing for the payment thereof is an unusual thing. It is a matter which outside of this legislative body is considered a crime, and it ought to be so considered here.

Mr. STONE. Let me answer—

Mr. LANE. Pardon me just a moment further. I will not delay long. If what is considered a crime can be successfully carried through without the knowledge of either the committee or of this body, it does seem to me that that ought to be a

slight indication to the Senator from Missouri of what I have in mind when I ask for a statement which would show such things. What in the world do you want to happen?

Mr. STONE. What is the particular item? Will the Senator give me the particular thing that he wants?

Mr. LANE. The deficiency. Your accounts do not balance. You have handed in a report in which you make no statement about the bill before the Senate. There is a deficiency that you do not account for. Your accounts do not balance.

Mr. STONE. I do not know what the Senator means.

Mr. LANE. The Senator does not know how accounts do not balance?

Mr. STONE. I do not know what the Senator is talking about.

Mr. LANE. Then I fail utterly to make myself understood.

Mr. STONE. I should like to ask the Senator what is his objection to this first section in the bill?

Mr. LANE. It is owing to the fact that you are carrying a deficiency there of an unknown quantity that was incurred years ago. You are presenting to this body an appropriation of money to be used next year—

Mr. STONE. I am talking about the first section. Let me read it.

Mr. LANE. I object to this—

Mr. STONE. Let me read it.

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, \$200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

Now, what is the criticism?

Mr. LANE. If the Senator will pardon me, Mr. President, the criticism is, in the first place, that it should say, in addition to these uses which are stated in the section, money is to be expended if it carries a deficiency of a sum unknown to the committee or to the Senate, and the second objection is that it is new legislation and subject to a point of order for the reason that you have cut out one entire section of the United States from its provisions.

Mr. STONE. To show how little the Senator knows about the thing he is talking about, I will call his attention to the fact that the report shows there is an unexpended balance of \$24,000 and over in that fund. The Senator has not looked into it. He is just firing off without knowing for the most part what he is talking about.

If the Senator wants the information on this subject, I have here a communication from the Indian Bureau showing how every dollar of this appropriation is to be expended. It is just as available to the Senator from Oregon as it is to me and other members of the committee or any other Senator, and for his information I am going to ask that it be inserted in the RECORD as a part of my remarks. I hope he will take occasion to read it to-morrow morning.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 14, 1913.

HON. WILLIAM J. STONE,
Chairman Senate Committee on Indian Affairs,
United States Senate.

SIR: Referring to my telephone conversation this morning with your clerk, Mr. Hollister, I have the honor to advise you that if the appropriation of \$200,000 for survey, resurvey, allotment, classification, and appraisement work, as provided in the report of the Senate Committee on Indian Affairs, is made, it will be used in the following manner, so far as the use can be determined at this time:

Completing allotment work and making the classification and appraisement of the surplus lands within the Colville Indian Reservation, Wash.	\$25,000
(About 800 allotments remain to be made within this reservation and thereafter the surplus lands must be classified and appraised as required by the act of Mar. 22, 1906; 34 Stats., 80.)	
Carrying on the allotment work on the Pine Ridge Reservation, S. Dak.	20,000
(Nearly 6,000 allotments have been made within this reservation, with about 2,000 Indians still to be allotted. To expedite the work two crews have been on this reservation, but as the "open" or field season is short, due to snow and cold weather, the number of allotments that can be made each year is comparatively small. For a period of approximately four months in each year the crews working on this reservation are furloughed from field duty, and hence about \$10,000 a year is sufficient for each crew.)	

Survey work, General Land Office, and such retracement work as may be necessary during the year— \$125,000

(The following work is urgent: Surveying the boundaries of the Indian Pueblos, in New Mexico, estimated to cost \$20,000; surveying the town site of Klaxta, Wash., \$3,000; surveying five townships in the Washington National Forest, within which some 80 Skagit Indians have selected allotments and built houses, \$5,000; completing surveys within the Fort Belknap Indian Reservation, Mont., \$25,000; surveying, in part, the Northern Cheyenne, or Tongue River, Reservation, Mont., \$20,000; surveying about 5,000 acres of irrigable land within the Navajo Indian Reservation, N. Mex., which has been or will be irrigated from the "Hogback Canal," \$3,000; additional subdivisional survey work within the Hoopa Valley Reservation, Wash., preliminary to allotment, \$12,000; surveying town sites within the Pine Ridge, Colville, Fort Berthold, and other reservations, \$7,000; resurveying the boundary lines of the Umatilla Indian Reservation, Oreg., \$500; Warm Springs Reservation, Oreg., \$500; surveying the Mescalero Indian Reservation, N. Mex., \$20,000—total, \$116,000—leaving \$9,000 as an emergency fund for any special work of this character which might arise during the year, including public domain allotments outside Arizona and New Mexico.)

Completing allotment work on the Wind River Reservation, Wyo. 10,000

(It is estimated that it will require one allotting crew for a period of 10 months to allot the unallotted Indians within this reservation. The work has been started, but can not be completed during the present field season, owing to the fact that the climate in this locality prevents active field work, except during the summer season.)

Mineral examinations, Geological Survey— 10,000

(The department requires, before the issuance of a patent, either fee or trust, that the lands shall be examined by the Geological Survey in order to ascertain if any minerals or power site or reservoir possibilities exist therein. The same class of examination is also made of surplus unallotted lands within Indian reservations prior to disposal to homestead settlers. This work is done by the Geological Survey at the expense of this office when requested so to do, and expenditures of this character are paid out of funds available for the survey, allotment, resurvey, classification, and appraisal work. During the coming year examination should be made at least of lands within the Klamath Reservation, Oreg.; Quinalt Reservation, Wash.; Crow Reservation, Mont.; the Salt River and Colorado River Reservations, Ariz.; the Yuma Reservation, Cal.; and the Fort Hall Reservation, Idaho.)

200,000

In order that you may know the basis upon which the office estimates the cost of this work on various reservations, the following statement will show the average cost of carrying the usual allotting crew for a period of 12 months:

	Per year.
1 surveyor—	\$2,160
1 head chairman—	1,080
1 rear chairman—	1,080
1 rodman—	1,080
1 flagman—	1,080
1 clerk—	1,200
1 teamster—	1,200
1 cook—	900
Total—	9,480
Salary of allotment agent—	2,920
Total—	12,400

Usually \$15,000 is segregated for the use of each allotting crew during one year. After allowing the amounts for salaries as listed above it leaves \$2,600 for miscellaneous expenditures, such as tents, wagons, teams, forage, etc. Ordinarily this is sufficient unless exceptional conditions are confronted.

The estimates made for survey work by the General Land Office are based upon reports made by the General Land Office upon the request of this office. For illustration of the manner in which this information is obtained, there is attached herewith correspondence between this office and the General Land Office with respect to surveying some 40 unsurveyed townships within the Navajo Reservation, Ariz. This is merely illustrative of the procedure followed in cases of this kind.

Respectfully,

F. H. ABBOTT,
Assistant Commissioner.

SURVEYING NAVAJO EXTENSION, ARIZ.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 21, 1910.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: The office is in receipt of a communication from Special Allotting Agent George A. Keepers regarding the necessity for surveying the unsurveyed townships within that part of the Navajo extension created by Executive orders of November 9, 1907, and January 28, 1908, in Arizona. The allotting agent mentions also the advisability of resurveying the townships there which have been surveyed originally by the Land Office, owing to obliterated corners and errors which it is believed exist in the original survey work. Mr. Keepers intimated that Surveyor Sidney E. Blout, who is now surveying the Moqui Reservation, contemplated recommending to your office that a new survey be made of the extension in Arizona so as to cover not only the townships already surveyed but also the unsurveyed part of the extension, and that he (Mr. Blout), by putting on an additional crew, could handle the survey work both within the Moqui Reservation and the extension in Arizona. The office desires to allot the extension in Arizona at an early date, and in order to carry on this work there it is requested that you advise this office of the approximate amount required to survey the unsurveyed

townships and resurvey the townships already surveyed, and also if Mr. Blout can satisfactorily handle this work in connection with the survey work on the Moqui Reservation. An early reply will be appreciated.

Very respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

ESTIMATE OF COST OF SURVEY.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 25, 1910.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: In reply to your letter dated July 21, 1910, relative to the surveys and resurveys necessary to complete the survey of the Navajo extension created by Executive orders of November 9, 1907, and January 28, 1908, in Arizona, I have to advise you that such work can be carried on under the supervision of this office during the winter months, and, as there are some 40 townships included in said extension, it is estimated that to establish the usual standard exterior and subdivisional lines would average \$500 per township, or a total cost of \$20,000.

If further interior subdivisional corners were required for allotment purposes, the cost would probably be doubled.

Very respectfully,

FRED DENNETT, Commissioner.

Mr. STONE. It is easy to get up and attack a committee of which one is a member and to make criticisms. If a Senator wants to do it without rhyme or reason, it is all right, I suppose. Each Senator bears his own measure of responsibility. But it seems to me to be absolutely unjust and unreasonable to assail the committee of which the Senator is an honorable and distinguished member—

Mr. LANE. Mr. President—

Mr. STONE. As being at all inattentive or indifferent.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Oh, yes; I will yield.

Mr. LANE. The only justification which was presented to our committee did not show up to some of us—the older members knew how to secure possession of these documents—was the report of some hearings before the subcommittee on Indian Affairs in the House of Representatives, and it is dated January 17, 1912. I could not know much, if anything, about this appropriation annually or the administration of the \$900,000,000 worth of property unless I had access to some financial statement, some statement pertaining to the service and explanatory thereof. I think the same condition exists with the majority of the Members of the Senate. But as a member of the committee I was informed by that committee that here was the justification. I will not read the justification, but if you will turn over to pages 11, 12, 13, 14, and 15, you will find the sums, and you can pick them out. First, there is a balance of the appropriation of \$220,000, which is called for in that item.

Mr. STONE. The Senator is not talking about the item now under discussion.

Mr. LANE. I beg pardon; then I have misunderstood the Senator.

Mr. STONE. The Senator is talking about an entirely different item.

Mr. LANE. Then I misunderstood the Senator and I beg his pardon. What were we talking about?

Mr. STONE. You were talking about irrigation.

Mr. LANE. You were talking about the first item, for a survey and a resurvey. Is that the one you were discussing?

Mr. STONE. Yes; and that is now before the Senate.

Mr. LANE. I understand the Senator to state that it is for the survey, resurvey, classification, and appraisal of land. Is that right? It is the very first item in the bill.

Mr. STONE. Yes; that is the one now before the Senate.

Mr. LANE. That is the one concerning which I was speaking. It is stated in this report on page 4 of the hearings, that Mr. Meritt said—

Mr. STONE. If the Senator will pardon me, he called attention to pages 11, 12, and 13.

Mr. LANE. Yes; that seems to be this.

Mr. STONE. Here it says:

Diminished Southern Ute Reservation, Colo.: For continuing the construction and maintenance of the irrigation ditch on this reservation.

Just below is the following:

Walker River Reservation, Nev.: For extension, maintenance, and operation of the present irrigation system.

Mr. LANE. The Senator is right about that. All I wish to call attention to in support of my statement that there was a deficiency, is the statement by Mr. Meritt in answer to the chairman. The chairman asks:

Is not this really a deficiency coming over from other years?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Did you ask for no appropriation of this kind two years ago?

Mr. MERITT. No, sir.

Then he goes on to explain the reason why. The reason was because he did not have the bill to verify it. It seems to carry a deficiency.

Mr. FALL. Will the Senator from Missouri yield to me?

Mr. STONE. I yield to the Senator from New Mexico.

Mr. FALL. The statement is made in this Indian appropriation bill report to which the Senator referred. The account balances perfectly. It shows exactly how it is balanced. It is as follows:

SURVEYING AND ALLOTTING INDIAN RESERVATIONS (REIMBURSABLE).

Fiscal year ending June 30, 1913, amount appropriated.... \$250,000.00

Fiscal year ended June 30, 1912:

Unexpended balance from previous appropriations....	65,187.44
Amount appropriated	215,000.00

	280,187.44
Amount expended	255,821.05

Unexpended balance	24,346.39
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That is the balance. Now, they ask an additional appropriation of \$220,000, and we have agreed to cut \$20,000 because of the limitation put on the expenditure, as is explained in the balance of this section.

Mr. LANE. Then, if you please, Mr. President, this volume of reports from the House committee is not to be depended upon in its statement?

Mr. FALL. The Senator has the hearings before a committee and is reading from the hearings certain statements of witnesses. If he had the official report of the estimates which the committee had before it, he will find this item explained, I think.

Mr. LANE. But here, Mr. President, if you please, is the accountant of the department making this statement.

Mr. FALL. If the Senator will allow me a suggestion, I think the quickest way for him to get it is to examine that statement. I think he will find the balance exactly as the estimate itself.

Mr. LANE. Then there is a deficiency given here?

Mr. FALL. Oh, no; not a deficiency. There is a balance on hand of \$24,000.

Mr. STONE. Twenty-four thousand dollars and something. That is the official statement.

Mr. FALL. Heretofore they have been asking for an appropriation of \$250,000. This year they were asking for a total of only \$220,000, because they have an unexpended balance of \$24,000 on hand. There is no deficiency at all.

Mr. STONE. That is the very reason why we have cut down the House appropriation from \$220,000 to \$200,000. It is because there is a balance on hand and not a deficiency. The Senator is entirely wrong. He is proceeding upon a wrong premise, upon wrong information.

Mr. LANE. I was thinking of Mr. Meritt, who is said to be the accountant of this bureau, and his statement was that there was one. He suggested why it happened in connection with this identical item.

Mr. STONE. Mr. President, we will proceed with the bill. I just wish to say before we proceed that it is very important the bill should be passed at the earliest practicable moment.

Every day's delay interferes seriously with the efficiency of the administration in the Indian service—

I will state that I am reading from a statement furnished me by the Commissioner of Indian Affairs at my request—

Every day's delay interferes seriously with the efficiency of administration in the Indian service, because plans for carrying on the various activities can not be made definitely until it is known what funds will be available and such funds are equitably apportioned among the different agencies, schools, etc., where they are to be used. The working out of proper apportionments involves so much detail that there is scarcely enough time left, even now, to do it efficiently.

If the passage of the bill is delayed much longer, it will be impossible to do the work by the 1st of July, and tentative apportionments will have to be made, subject to change later on, which will greatly increase and complicate the work. If it is delayed beyond the 1st of July, a joint resolution extending appropriations for this year will be necessary. This would result in much confusion and possible extravagance, caused by hasty and ill-considered allotments and expenditure authorizations.

Many of the appropriations covered by the bill are required immediately after the 1st of July to continue work on projects authorized by existing law, such as making allotments to Indians and surveying lands in connection with the opening of reservations to settlement. Where work has commenced and the crews are now in the field many thousands of dollars would be lost by having to suspend operations even for a few days.

The delay in the passage of the appropriation act for the current fiscal year and the extension of the appropriations made for the previous year by joint resolution interfered very seriously with the efficient financial management of the Indian service. Such a delay would interfere seriously with the financial management of any governmental institution, but it strikes the Indian service with particular force because of the multiplicity of appropriations found necessary by Congress, which makes its financial system more complex than that of any other bureau under the Government and of some entire departments. A further delay this year in obtaining the funds required to carry on the service can only add embarrassing difficulties to a financial system already sufficiently complicated.

Mr. President, as I have already said, I do not think we ought to fritter away time in useless discussion. We must furnish the funds for the maintenance of this great bureau. It is absolutely impracticable to talk about making appropriations from month to month. The department can not work on appropriations of that kind. If it is necessary by a joint resolution to extend the appropriations for the current year over into the next year by reason of any failure of this bill, that again will leave the bureau in a state of most embarrassing uncertainty as to the apportionment of its funds and in the carrying on of important projects now in process of execution.

Now, Mr. President, I shall not say anything more. I ask that the question before the Senate may be put.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 2, line 9, after the word "law," to strike out "\$220,000" and in lieu thereof to insert "\$200,000."

Mr. GALLINGER. As that amendment appears to be contingent upon a further amendment submitted by the committee, I would ask the Senator from Missouri if it might not be well to pass it over until the subsequent amendment is acted upon. As I understand the matter, if New Mexico and Arizona are not exempted from the provisions of the bill \$220,000 will be required, and if that exemption is made \$200,000 will be sufficient. I ask the Senator from Missouri if that is correct?

Mr. STONE. That is correct.

Mr. GALLINGER. In that view would it not be well to pass over the first amendment until the second amendment is acted upon?

Mr. STONE. I have no objection to that.

The VICE PRESIDENT. The amendment will be passed over temporarily.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Indian Affairs was, on page 2, line 12, after the word "expended," to insert the following proviso:

Provided, That no part of said sum, or any other sum, shall be used for survey, resurvey, classification, appraisal, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona under the provision of any act of Congress now in force until such survey, allotment, etc., shall hereafter be authorized by act of Congress.

Mr. GALLINGER obtained the floor.

Mr. POMERENE. Mr. President—

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. POMERENE. I was going to offer an amendment to the amendment of the committee.

Mr. GALLINGER. Let the Senator have it read.

Mr. POMERENE. Yes; I ask that it be read.

The VICE PRESIDENT. The Senator from Ohio offers an amendment to the amendment, which the Secretary will read.

The SECRETARY. On page 2, line 13, strike out the words "or any other sum," including the commas; and on page 2 strike out, beginning on line 17, the words "under the provision," and all of lines 18, 19, and 20, inclusive, in the following words:

Under the provision of any act of Congress now in force until such survey, allotment, etc., shall hereafter be authorized by act of Congress.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment proposed by the committee.

Mr. GALLINGER. If the Senator will permit me, I had in mind offering precisely that amendment. I have no doubt but that the provision is subject to a point of order, particularly from the fact that the words "or any other sum" are inserted. I am not at all sure that the provision is subject to a point of order if those words should go out, for the reason that it simply provides a method of using the fund that is voted in the bill.

I sincerely trust that the amendment submitted by the Senator from Ohio to the amendment may be agreed to. There are very serious objections from certain quarters to the amendment in its entirety. Before I vote yea or nay upon that proposition, Mr. President, I should like to ask the chairman of the committee or the Senators from the States who ask for this exemption the precise reason why New Mexico and Arizona should not be included. There is doubtless some good reason in the mind of the Senators and of the committee that I am not cognizant of. I ask merely for information.

Mr. FALL. Mr. President, there is good and we think very sufficient reason for asking the suspension of this law, which would be the effect of the adoption of the amendment, as applied to New Mexico and Arizona. The Navajo Indian Reserve in Arizona, New Mexico, Colorado, and Utah is larger than the combined States of Massachusetts and Connecticut. An enormous area of that reserve has never been allotted in severalty. The policy of the department has been heretofore to allot in

severalty to only a comparatively few of the Navajo Indians and to allow any Navajo who chose to do so to remove from that reserve, go upon the public domain among the American citizens, two, three, and four hundred miles away from his reserve, and there have allotted to him adjoining the ranch of some taxpayer, for instance, 160 acres of land.

He is not compelled to make a homestead residence or final proof, but he simply has it allotted to him under the act of 1887 whenever he chooses to withdraw from the reserve. He can remove himself entirely from all the restraints which are supposed to be placed about him whenever he chooses to do so. Under the policy of the department as it has been administered for several years past he is allowed to go upon the public domain and to choose his land, paying no taxes whatsoever. It is impossible, as the commissioner has said, for the Indian to make a living on 160 acres of land. It is absolutely impossible to do so.

Included in that portion of the Navajo Reserve which lies within the State of New Mexico there are 2,514,000 acres of land. There have been allotted to the Navajo Indians 319,000. There are approximately for their use given to them by the Government 2,211,000 acres which have never been allotted and which remain unallotted to-day.

Within the last three months, over the protest of the two Senators from New Mexico, of the Representative from New Mexico, in defiance of or despite a resolution passed by the Legislature of New Mexico, without listening to these protests, within three months the Indian Department has located 137 renegade Navajo Indians in Socorro County, N. Mex., 250 miles from the Navajo Reservation, where they have unallotted 2,211,000 acres which is used by those who have allotments.

These are some of the reasons that we have asked simply that the law with reference to the location of these Indians in New Mexico be suspended. Why? Mr. President, in 1893 a commission was appointed, made up of engineers from the Army of the United States, to make a thorough survey of the Navajo Reserve and to report upon the feasibility of allotting or setting aside to every Navajo Indian on that reserve and off of it sufficient acreage to enable him to support himself well. Including the Navajos who are off the reserve and the Navajos who are not, there are 1,100 acres to every Navajo—not to the head of a family merely, but to every Navajo man, woman, and child. Nine thousand of them are off the reserve; and, as I have said, within the last three months, in defiance of the protest of the representatives from New Mexico, the department has insisted in locating 137 Indians in Socorro County, N. Mex., alone.

Mr. GALLINGER. Mr. President—

Mr. FALL. If the Senator will pardon me a moment, the Navajos generally are good workmen; they are quiet, law-abiding, peaceable Indians, but these 137 Indians happen to represent the renegades of the tribe, who would not stay at home and work, who do not want to work, but have been leading a nomadic life for several years in the mountains of New Mexico, existing by fishing and stealing. Those are the Indians who have been located among the citizens who are compelled to pay the taxes.

I might add additional reasons, Mr. President, to those which I have already given to convince the Senate of the United States that the policy of this Government with reference to its withdrawals, with reference to its forest reserves and its Indian reserves, and its unwarranted withdrawals of land for other purposes, is a mistaken one. If that policy is not in some way checked within five years, sir, it will be necessary for this Government to make appropriations annually for the support of the new States in the Southwest.

Mr. GALLINGER. Mr. President, as I have on more than one occasion in the past when the Indian appropriation bill was under consideration frankly admitted that I knew very little about the Indian question, I make that frank admission to-day; but in view of the statement made by the Senator from New Mexico [Mr. FALL], who is always frank, I will ask him if the difficulty which seems to exist is due to lax administration of the department and is there no remedy that can be enforced outside of enacting this provision which exempts Arizona and New Mexico from the operation of a general law?

Mr. FALL. Mr. President, I want to say to the Senator from New Hampshire that we in the Southwest know that he is one of the Senators from the eastern part of this country who have always been in sympathy with the western part of the country, and we appreciate the help which he has given us on all occasions. I will say frankly to the Senator that the fault is very generally with the Congress of the United States. It lies between the Congress of the United States and the autocratic, bureaucratic methods which have been pursued in the different

departments of this Government in the last few years. In 1893, as I started to say a while ago, a board of Army officers, under a resolution of Congress and by direction of the Secretary of the Interior, made a thorough examination of the entire Navajo Reserve. They made a voluminous report, which was transmitted to this body and to the other House, in which it was shown that with the expenditure of \$65,000 additional to the amount of \$20,000 which they then had on hand, a total of \$85,000, the Navajo Reservation could be placed in a condition, by the opening of water holes and the development of small streams of water, so that it would amply support every Navajo Indian, man, woman, and child, on or off the reserve, and that the 9,000 off the reserve could be taken back to the reserve where they belonged and no longer interfere with the citizens living upon the public domain. Congress refused to act; it refused even to appropriate \$65,000 for the purpose reported by this board of Army engineers. The fault, therefore, lies to some extent with Congress.

Mr. President, although we have had good friends here, New Mexico and Arizona have been wards of this Government for 60 years past. They have had no representative upon the floor of this body nor upon the floor of the other House; that is, a representative who had a vote. We have been dealt with simply by the bureaus of this Government, and it is yet almost impossible, apparently, to convince the different departments of this Government that New Mexico is now a sovereign State of this Union and should be upon an equality with all the other States. I repeat that the trouble has been very largely with Congress in not listening to the recommendations which have been made and making appropriations at the proper time for needed purposes.

Then, some man connected with a Pueblo Indian school, having no authority over the Navajos and nothing to do with any other Indians except those coming under his immediate employment, happened to be out on a hunting expedition in New Mexico and found that some of these 137 Navajos resisted arrest by the local authorities, and in resisting a man was killed and another wounded. They were finally arrested by the mounted police force of New Mexico for a violation of the laws of the State. They were punished by small fines, which were remitted because they were Indians. This gentleman finds these Indians roaming around, hunting, stealing, and butchering cattle, of course, and he thinks that they must be protected; that they are not receiving justice at the hands of the American citizens. Therefore he recommends to the department that separate allotments be allowed these Indians.

The consequence is that, with every living water hole in that country patented years ago to taxpayers who are helping to support the State government of New Mexico, these Indians are located on dry land, each having 160 acres adjoining the little homestead or the patented water hole or spring of the white settler. The Indians can obtain water by trespassing upon the land of the settler, who is compelled to buy them out at a large price or else see his ranch ruined. Those are the facts of the case.

Mr. POMERENE. Mr. President—

Mr. GALLINGER. Mr. President, the Senator from Ohio [Mr. POMERENE] having offered the amendment, I yield to him to discuss it.

Mr. POMERENE. Mr. President, I notice the remarks of the Senator from New Mexico [Mr. FALL] were directed particularly to the Navajo Indians. My understanding is that there are two classes of Indians—one on the reservation, the other on the public domain outside the reservation. I was informed this morning—and this matter was called to my attention for the first time this morning—that if the amendment reported by the committee is adopted it will deprive the Indians who dwell upon the public domain and do not have reservation rights of the privilege of having public lands allotted to them under the general legislation now upon the statute books.

Mr. FALL. Mr. President, will the Senator from Ohio yield to me a moment?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. POMERENE. I do.

Mr. FALL. I should like to know what information the Senator from Ohio has upon that subject. I believe I am very thoroughly familiar with the matter.

Mr. POMERENE. I shall be very glad to give it to the Senator as I proceed. It has seemed to me that that part of the Senate amendment which I seek to strike out by my proposed amendment is clearly new legislation, in that it seeks to modify pro tanto the present legislation upon the subject. To that extent it is clearly subject to the point of order.

Mr. FALL. I agree with the Senator from Ohio. Mr. President, I offered this amendment in the committee for myself and the Arizona Senators, knowing that it was the understanding that it might go out on a point of order, and I am willing, under protest, to accept the amendment offered by the Senator from Ohio for that reason.

Mr. POMERENE. Mr. President, I am very glad to hear the Senator from New Mexico concede the point made by my amendment; but to complete my statement, in order that my position may be known, I desire to say that it seems to me that if the contentions which have been made in favor of this proposed legislation are sound, the Senator from New Mexico is getting the benefit for the time being of the proposed reform, in that no part of the present appropriation shall be used for the purpose of making these allotments to the Indians.

Mr. FALL. Will the Senator from Ohio yield to me?

Mr. POMERENE. Yes.

Mr. FALL. I will state to the Senator that it has been shown here that there is an unexpended balance of this fund amounting to \$24,000 which can be used for the location of these Indians upon the public domain. That was my reason for asking that the amendment be changed.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. POMERENE. I do.

Mr. CLARK of Wyoming. I merely want to make an inquiry of the Senator in view of one of his statements. I gather from the Senator's statement that his view is that the Navajo Indians who are off the reservation have not any rights on the reservation?

Mr. FALL. No, Mr. President; I did not mean that.

Mr. CLARK of Wyoming. My understanding is that they have the right to allotment on the reservation if they will go there and take it.

Mr. FALL. They are all reservation Indians. No power under heaven can prevent them from going on the reservation and demanding their allotments.

Mr. CLARK of Wyoming. While I am on my feet I should like to ask the Senator from New Mexico a question in order to secure a proper understanding. When, under the law, the Government furnishes to Indians off the reservation allotments upon the public domain, does that diminish the size of the reservation in any way?

Mr. FALL. Not at all, sir.

Mr. CLARK of Wyoming. In other words, it is creating an additional reservation out of the public lands that otherwise might be reserved for the settler?

Mr. FALL. Precisely; and the Indian, by blackmailing me, can force me to buy him out of his 160 acres of land to-day and to-morrow he can go back to the reserve and have set aside to him 1,100 acres.

Mr. POMERENE. In view of the discussion, I want to present some additional information to the Senate. This matter was called to my attention by a telegram from Prof. F. A. McKenzie, of the Ohio State University, and this morning I had left at my office a communication from Mr. S. M. Brosius, the agent of the Indian Rights Association, who makes this statement in his letter:

It is stated that about 3,000 Papagos have made selections of land for allotment, and more than that number of Navajos are scheduled, a total of over 6,000 Indians who have made their homes on the public domain in these States. If the legislation is enacted into law, not one of these prospective allottees can be given a title to their homes until further legislation by Congress, where any additional supervision is necessary to complete the allotment.

While the 3,000 Papagos have been scheduled for allotment, there are many other Papagos located on the public lands in Arizona who have not been scheduled, and it is estimated that there are not less than 5,000 Papagos living on the public lands of Arizona. These have no reservation provided for them, and they have always lived on the public domain.

If this legislation is enacted into law, the States of Arizona and New Mexico would thus be given a preference over any other States in the Union, since the laws providing for allotment of lands to Indians apply equally at this time to all the States.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I will ask him who gives him that information?

Mr. POMERENE. I can not advise the Senator. This information was brought to me by this gentleman.

Mr. SMITH of Arizona. I ask who gave the Senator the information?

Mr. POMERENE. Mr. S. M. Brosius.

Mr. SMITH of Arizona. What organization is he connected with?

Mr. POMERENE. He is agent of the so-called Indian Rights Association, and I was placed in touch with him by Prof. McKenzie, whom I know and for whom I have very high regard.

Mr. SMITH of Arizona. I do not want to interrupt the Senator further than to say that the gentleman does not know any more of the matter to which he refers than the Indian Rights Association usually does.

Mr. POMERENE. Mr. President, that may be true. I am not taking sides either one way or the other in this matter, but it has occurred to me that it is a subject well worthy of further consideration when the proposed new legislation may be considered independently of an appropriation bill. In view of the fact that the Senator from New Mexico [Mr. FALL] has accepted the amendment, I shall have nothing further to say.

Mr. SMITH of Arizona. Mr. President, for 30 years we have been meeting just such statements as the one just read by the Senator from Ohio [Mr. POMERENE]. There is not a Papago Indian in Arizona who has not more than enough room on the reservations set aside for the Papagos in Arizona. The Papagos who are not on the reservation are off of it because they do not want to stay on it. There is not a Papago on the public lands of the United States that has not ample room for himself and family free to him within the reservations in that State.

Mr. POMERENE. I ask, for my own information, is the Senator advised as to how many acres there are in the reservation of the Papagos?

Mr. SMITH of Arizona. There are several reservations for Pimas and Papagos. I should judge that the Papagos have in Arizona probably a thousand acres apiece—perhaps more—but of the amount I am not certain, but I am sure of one thing, and that is, if these Indians were handled with more sense and less sentiment it would prove a blessing to the tribes and result in a great saving of public money.

Mr. FALL. Mr. President, it is possible that the report of the Commissioner of Indian Affairs may give a little information. It states:

Camp McDowell, Ariz.		
Adults:		
Male	323	
Female	320	
		643
Minors:		
Male	290	
Female	235	
		525
Total population		1,168
Children of school age		331
AREA OF RESERVATION.		
		Acres.
Allotted (29.8 per cent)		21,330
Unallotted (70.2 per cent)		50,361
Total area of reservation (112 square miles)		71,691

Mr. SMITH of Arizona. I thank the Senator. Fuller information as to amount of lands in all the reservations can be easily obtained from the public records. I have the acreage in my desk, but will not consume time in searching for it. The statement just read by the Senator [Mr. FALL] substantiates my statement. Fort McDowell is, however, not a large reservation as compared with some others.

There is another proposition being everlastingly forced on the Indians themselves and constituting about the greatest lot of nonsense and folly that ever disgraced the administration of any government on earth. It is found in the effort to bring the Indians out East and educate them in a strange and unhealthy environment. I have talked of that for so many years in the other House that I will not now weary this body by further reference to it. There is a large reservation on the Colorado River occupied by some five or six hundred Indians. Their lands have been allotted. Now, it has been ordered that the Mojaves—mountain Indians, living 300 miles away—shall also be allotted lands within this agency. These Mojaves will not live on the plains. They will not fraternize with the present allottees on these lands. And the order also allows the Chimaveus, living just as far away and absolutely unacquainted with the new place, to be allotted lands on this reservation. The senselessness of this works a tragedy in the lives of these transplanted Indians, who have already suffered enough at the hands of fools trying to aid them.

Nevertheless they are attempting to put those two great tribes on this reservation, probably because of the effort which is being made to open that unallotted land to cultivation by white people. If they carry those northern mountain Indians down there, they will not live there, as I have already stated.

Mr. FALL. They can not live there.

Mr. SMITH of Arizona. They can not live there. If they bring the Chimaveus there, they will not stay—they will return to their habitat, as the Papagos have done and all others will do. Indians off the reservation are Indians who simply do not want to stay on their reservation; they do not want to work. It is easier and cheaper for them to live on the cattle and stock

belonging to other people. I want to say now that the Indians in Arizona have more valuable lands allotted to them to-day than there are left in the whole State for the white man. Other reserves take up nearly the whole valuable lands of the State.

Mr. GALLINGER. Mr. President, if the Senator will permit me—and I again plead ignorance of this question in its details—I will ask: Is there power under existing law in the Government, through the Bureau of Indian Affairs or the Interior Department, to compel these Indians to remain on the reservation?

Mr. SMITH of Arizona. Unquestionably.

Mr. GALLINGER. And they have an abundance of land?

Mr. SMITH of Arizona. They have an abundance of it.

Mr. GALLINGER. And conveniences such as would enable them to enjoy the absolute necessities of life, such as water?

Mr. SMITH of Arizona. Much more than they have where they have been living off the reservations. As has been shown by the Senator from New Mexico [Mr. FALL], they only go into the vicinity where people have settled, where they expect to use water and break up the ranches.

Mr. GALLINGER. That being so—and I assume the Senator has definite knowledge on that point—I am very strongly inclined to the view that it is bad policy on the part of the Government to permit these Indians to go roaming over these great States outside of the reservations.

Mr. SMITH of Arizona. We have thought so always.

Mr. GALLINGER. But I think Congress ought to make liberal appropriations to provide them with all the necessities of life on the reservations. For that reason I have considerable sympathy with the contentions of the Senators from those States on that point.

Mr. SMITH of Arizona. It is absolutely essential to the preservation, both of the Indians and of what public lands are left, that some legislation along the lines suggested by the Senator should be at once enacted.

Mr. TOWNSEND. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Michigan?

Mr. SMITH of Arizona. I do.

Mr. TOWNSEND. I do not believe I quite understand the situation as the Senator from Arizona explains it. If I understand him correctly, he says that this is a matter that rests entirely within the discretion of the department. I understand that there is a statute which provides that an Indian may locate 160 acres on any part of the public domain, and that the department is absolutely powerless in that regard. I understand the Indian may locate under the statute and has an absolute right to do so.

Mr. SMITH of Arizona. Yes; I am glad the Senator corrected me. I had in mind our dealings with the Apache Indians when I made the mistake. Living right in the Apache neighborhood and observing them for all these years, I knew that there was a provision against those Indians going off their reservation. Other Indians may do so; but the law does not recognize the right of Indian agents—the law does not presume that these gentlemen shall go around and disturb and worry the Indians and tell them, "If you will come down here, I can get you a better place"; and to colonize them in that way. That is the trouble with them. The Indians do not go of their own accord; they are colonized in this way, just as they brought the old Apaches back to New Mexico a little while ago; and we will hear something from that by and by. Men born in Oklahoma and raised there have been sent back to New Mexico as neighbors of my friend, the Senator from that State, Senator FALL. The Indians in Arizona and New Mexico have been given more than enough land, and they ought to be confined to it. It is to be hoped that the present administration of the Indian Bureau and the Interior Department will listen more to the voice of reason and less to that misguided sentiment that has too long characterized its dealing with this grave question.

Mr. FALL. Mr. President, will the Senator yield to me a moment?

Mr. SMITH of Arizona. Certainly.

Mr. FALL. With reference to the question which was asked by the Senator from Michigan [Mr. TOWNSEND], I will say that I think if he will examine the statute of 1887 and the amendments thereto he will find that while the law may be construed by the department, as it has been construed, to permit an Indian entitled to an allotment on his reserve to go off his reserve and take the allotment on the public domain, I do not think that any sensible man would ever have placed that construction upon it.

In the first place, what is the sense in it? What object can there be? Indians such as the Navajos are not citizens of the United States; they are reservation Indians, not entitled to vote.

On the public domain and elsewhere they can refuse and do refuse to pay taxes. They may take a thousand or five thousand or ten thousand head of sheep and run them on the range within the county adjoining my ranch; take the grass away from my cattle; occupy 160 acres each under allotment; pay no taxes, support the Government not at all; and to-morrow, if they choose to do so, after having eaten off the public range, return to the Navajo Reserve and have allotted to them in severalty 1,100 acres. It was never the intention of the Congress of the United States to give the Indians the double privilege. That is a forced construction which has been adopted by some departmental clerk, I presume, and approved without proper consideration by the head of the department.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. POMERENE] to the amendment reported by the committee.

Mr. BRISTOW. Mr. President, I should like to know just what changes the amendment proposed by the Senator from Ohio [Mr. POMERENE] makes in the provision. It has not been explained.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. In the committee amendment on page 2, line 13, after the word "sum," it is proposed to strike out the comma and the words "or any other sum"; and in line 17, after the name "Arizona," to strike out the remainder of the amendment.

Mr. BRISTOW. Now, I should like to have the Senator from New Mexico, if he will, explain the change that makes in the provision as reported by the committee.

Mr. FALL. Mr. President, I have stated that I accepted the amendment proposed by the Senator from Ohio [Mr. POMERENE] because the provision then remains purely a limitation upon the expenditure, and I do not believe is subject to a point of order. I accepted it under protest. It makes this difference, that, applying only to this annual appropriation, the law of 1887 still remains in full force and effect in New Mexico and Arizona; and at any time that Congress desires to appropriate an amount which can be used for the resurvey or reallocation of the public lands to the Indians in those States it can do so. If the amendment were adopted as originally proposed and agreed to by the committee, then it would practically repeal the law as to New Mexico and Arizona until reenactment by Congress.

Mr. BRISTOW. Is there any other fund that could be used for surveying?

Mr. FALL. There is a balance of \$24,000 which is not touched by this amendment, Mr. President—an unexpended balance lying in this fund. This is an annual appropriation for the resurvey of allotments, and so forth, of public lands. There is an unexpended balance of \$24,000 of this fund. The department can do exactly what it did in New Mexico in another case similar to this. Just to illustrate: The Congress of the United States refused directly to make an appropriation for the removal of the Fort Sill Apaches to the Mescalero Reserve. The matter was thoroughly discussed in the Senate, and that provision was knocked out; the Senate refused to make an appropriation for that specific purpose, but did finally agree to the conference report making an appropriation of \$200,000 for the selection of the lands upon which these Indians might be placed. I consented to that because in the Mescalero Reserve in New Mexico no selections could be made. It is a tribal reserve with no allotments whatsoever, and therefore no selections could be made. Yet, in defiance of the action of the Senate in striking out that provision for a specific purpose, the Department of the Interior did remove those Indians and use that \$200,000 for that purpose; but it has not yet made the selections and can not make them until they make a general allotment of that reserve. I say it was an absolute misappropriation of the fund.

I have no doubt that despite the action of the Senate now, if it adopts the suggestion of the Senator from Ohio, the former administration of the department would immediately and unhesitatingly appropriate this \$24,000 unexpended balance to doing what the Senators from New Mexico and Arizona are protesting against their doing, and what they are now seeking by legislation to prevent. There is nothing remaining, Mr. President. They can use that \$24,000, but I do not believe those at the head of the department at present will do it in view of the action of the Senate.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. POMERENE. My purpose was, as stated, largely to prevent ingrafting upon this appropriation bill general legislation

which changes the entire policy of the Government with respect to the Indians. In view of the suggestion made by the Senator from New Mexico, I should have no objection, speaking for myself alone, to having this limitation apply to the \$24,000 as well.

Mr. FALL. I asked the Senator if he would not accept that, and I understood him to say that he did not feel that he could.

Mr. POMERENE. At the time the Senator spoke to me on the subject I did not feel that the limitation should apply, but I certainly do think no harm can come from delaying until later general legislation on this subject. Meanwhile, by the amendment which I have proposed and the qualification which I have indicated, I would be willing to accept. It seems to me the rights are protected.

Mr. BRISTOW. A point of order would lie against the limitation of which the Senator speaks, because it is not a part of this appropriation bill.

Mr. POMERENE. I have no doubt about that.

Mr. BRISTOW. I am very much opposed to general legislation of this kind in this bill, and that is the reason I made the inquiry. I should feel compelled to make the point of order if it would lie; and so I say to the Senator from Ohio that if he qualifies his amendment, I shall feel compelled to make the point of order.

Mr. CLAPP. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. BRISTOW. I yield.

Mr. CLAPP. Where the limitation applies simply to the unexpended balance of a similar previous appropriation, it hardly seems to me that the Senator ought to press the point of order. I believe the Senator from New Mexico is right in his contention. I do not believe it would be fair. As to any other sum, if there is any other sum, it might be with propriety urged by the Senator from Kansas that he ought to press his point of order. But as suggested now, to be amended by the amendment of the Senator from Ohio, the limitation would go only to this appropriation and the unexpended balance of a previous similar appropriation.

Mr. BRISTOW. I have great respect for the Senator from Minnesota, but I differ from him in regard to this matter. I am opposed to this provision. I want it out altogether. If a point of order would lie against it as amended, I should make the point; and if any phrase is injected into it that will make it subject to a point of order, I shall feel compelled to make it, because I do not think the amendment ought to be in the bill at all.

Mr. FALL. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. BRISTOW. Certainly.

Mr. FALL. I want to say to the Senator that possibly he does not understand the conditions as they exist in our country. Possibly he is not aware of the fact that every year, two or three times a year, these Indians are allowed to go from their immensely rich reserves to interfere with white men, American citizens, on the public domain, causing the killing of anywhere from one to a dozen people. This is an unfortunate condition of affairs. I can say to the Senator that we people down in our section of the country can deal with these conditions if we are compelled to; but this sometimes becomes a question of all a man has—of his property rights, of protection to his family and his children. Any white man, any American citizen, will then use such force as is necessary in protecting his family. All that we seek to do is to restrict the further location of these Indians upon the public domain until Congress can act again. The committee is being appointed, and I presume this matter will be investigated. It has been investigated before, and reports made, and no action taken. But this must cease; it must stop; and I tell the Senator from Kansas that it will stop.

Mr. BRISTOW. I am perfectly willing to consider legislation affecting these Indians as general legislation. While I realize the intense local interest that there is in regard to this matter, nevertheless it is a national affair, and the people of the United States have obligations toward the Indians which they should respect. What I object to is taking the opportunity of an appropriation bill to put through legislation that affects the policy of the Government in dealing with the Indians.

Mr. FALL. Oh, Mr. President, the Senator is one of those who has most strenuously insisted, as I think he will recall, upon putting through matters of general legislation upon more than one subject when the Panama Canal bill was before the Senate for consideration.

Mr. BRISTOW. That was a legislative bill, and not an appropriation bill.

Mr. FALL. Yes; but is it not a fact that the Senator from Kansas knows that riders are put upon appropriation bills every year?

Mr. BRISTOW. I know they are, a great deal too often and a great many times when they should not be, and sometimes it seems almost necessary that they should be. But I do not think this is one of those cases.

Mr. FALL. It is a question of the point of view, Mr. President. From Kansas it doubtless seems of very little importance. From New Mexico and Arizona it is of just as great importance as any piece of legislation affecting Kansas which will be enacted or could be enacted by this Congress.

Mr. BRISTOW. As I understand, the amendment as offered simply restricts this particular appropriation?

Mr. ASHURST. That is all.

Mr. POMERENE. That is correct.

Mr. BRISTOW. I mean the amendment as offered by the Senator from Ohio to the amendment of the committee.

Mr. FALL. That is right.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. POMERENE] to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FALL. I suppose we now revert to line 9, to the question of the \$10,000?

The VICE PRESIDENT. The question now recurs upon the amendment on line 9, page 2.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, line 6, after the word "liquors," to strike out "and peyote," and in line 7, after the word "Indians," to strike out "\$75,000" and insert "\$100,000," so as to make the clause read:

For the suppression of the traffic in intoxicating liquors among Indians, \$100,000.

Mr. GALLINGER. Before that amendment is agreed to, I should like to ask the chairman of the committee what peyote is. I am seeking information now. The language of the bill is "intoxicating liquors and peyote."

Mr. STONE. I leave it to the Senator from New Mexico. He is more familiar with it than I am.

Mr. GALLINGER. I would rather hear the chairman of the committee.

Mr. FALL. The chairman insists that, being from a cactus district, I am more familiar with peyote than the chairman of the committee himself. Peyote, it seems, is made from a species of cactus which is rather common in some portions of what we used to call the Indian Territory, now Oklahoma. It is a mild narcotic or intoxicant. It seems that the chemists themselves do not know exactly what it is, but at any rate it has an exhilarating effect for the time being, yet not anything like that of whisky. It is used by certain Indians in certain religious observances. The committee was informed that to prohibit its use entirely would likely cause a good deal of trouble.

Mr. GALLINGER. In other words, the Senator is willing that the Indians should eat cactus, or drink it, if they want to?

Mr. FALL. I am more than willing that those in New Mexico should eat cactus.

Mr. GALLINGER. Mr. President, I have been enlightened, and I think I was justified in asking the question. Hereafter I shall know what peyote is.

The VICE PRESIDENT. The question is upon agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, line 16, after the word "therewith," to strike out "\$1,420,000" and insert "\$1,500,000," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, \$1,500,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "forests," to strike out "*Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin"; and in line 24, after "\$400,000," to insert "*Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin," so as to read:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise

the Indians as to the proper care of forests; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, \$400,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the words "public lands," to strike out "\$2,000" and insert "\$5,000," so as to make the clause read:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by United States local land officers to determine the rights of Indians to public lands, \$5,000: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

The amendment was agreed to.

The next amendment was, on page 9, line 1, after the words "purpose of," to strike out "conducting hearings and taking evidence to determine" and insert "determining," and in line 7, after "\$50,000," to insert: "*Provided*, That \$10,000 of this appropriation may be used for the employment of clerks and other assistance in the Bureau of Indian Affairs and the Department of the Interior in this class of work," so as to make the clause read:

For the purpose of determining the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., pp. 855-866), and the regulations thereunder prescribed by the Secretary of the Interior, \$50,000: *Provided*, That \$10,000 of this appropriation may be used for the employment of clerks and other assistance in the Bureau of Indian Affairs and the Department of the Interior in this class of work.

Mr. GALLINGER. I do not rise to oppose the amendment, but I will suggest that it should read "the Department of the Interior and the Bureau of Indian Affairs." I think the Department of the Interior should precede the bureau. It is simply changing the phraseology.

Mr. STONE. Yes; that is correct.

Mr. GALLINGER. I move that amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STONE. I offer an amendment to the bill which I send to the desk.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. In line 10, page 9, after the word "work," strike out the period and insert a colon and the following:

Provided further, That the provision in the act of August 23, 1912 (37 Stat. L., p. 396), prohibiting the employment of personal services in the Indian Office other than those specifically provided for by law, shall not apply in the expenditure of this appropriation.

Mr. CLARK of Wyoming. I should like to ask the reason for the amendment. I do not recall now what the original law was. I am asking for information.

Mr. STONE. There is a provision in the legislative, executive, and judicial appropriation bill of last year to this effect:

For the fiscal year 1914 and annually thereafter estimates in detail shall be submitted for all personal services required in the Indian Office, and after the end of the fiscal year 1913 it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation bill, except temporary details of field employees for service connected solely with their respective employments.

Now it is proposed to change that law—it is undoubtedly subject to a point of order—by authorizing the Secretary of the Interior, without reference to it, to provide clerks for this particular bureau. It can not be done without that change.

Mr. CLARK of Wyoming. I understand the situation to be that an estimate has been made for this work by the Department of the Interior. I understand that this work is provided for by preceding law; that the estimate for the services to carry out that law has been provided for and appropriated for in the legislative bill; and that the \$10,000 of the \$50,000 is to be distributed to other employees than those for whom appropriation has been already made.

Mr. STONE. Other than those to whom the appropriation would be distributed in payment of salaries and furnishing compensation.

Mr. CLARK of Wyoming. Let me ask the Senator a question for information. Was not an estimate made by the department for this particular work in accordance with the statute the Senator has just read?

Mr. STONE. Yes. The estimate is in this language:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of

June 25, 1910 (36 Stat. L., pp. 855-866), and the regulations thereunder prescribed by the Secretary of the Interior, \$100,000: *Provided*, That \$10,000 of this amount may be used for clerk hire in the Indian Bureau.

The amount appropriated in the bill is \$50,000, and it is provided that \$10,000 of that may be used for a temporary force in the bureau. There are a great many of these claims pending. I think something like 40,000 are pending; and the officials of the bureau think the business would be greatly expedited and more efficient service had if they should be permitted to employ efficient clerks and experienced people to do this work. It is temporary in its character.

Mr. CLARK of Wyoming. Mr. President, I shall not make the point of order, because I am not sufficiently well informed upon the subject. Undoubtedly the Senator's statement is perfectly clear to those who understand Indian affairs, but I confess I can not see the necessity of segregating that portion of the appropriation.

Mr. CLAPP. It is necessary, because the department does not feel that otherwise it could use this fund, or any part of it, for that work, which the department thinks is very important, in view of the accumulation of these cases in the office. Officials of the department appeared before the committee, and, feeling that this prohibition applied to the act of holding the hearings, in order to have justification and full authority for using part of the appropriation in the office, asked for this separation.

Mr. CLARK of Wyoming. Yes; but the committee has struck out that part of it that relates to the holding of hearings and has cut in two the estimate of the department as to the appropriation.

Mr. STONE. Oh, no.

Mr. CLAPP. No; the committee substituted the word "determining" for the words "conducting hearings and taking evidence to determine." We struck that out and substituted the word "determining." But even then the department, subject as this department and all departments are to the criticism of using funds for purposes other than those for which they were specifically appropriated, asked that this separation might be made, so that there would be no question of its authority.

Mr. CLARK of Wyoming. Do I understand the fact to be that there are not now in the Indian service, upon the annual roll, those who are capable of making this investigation?

Mr. CLAPP. Not enough.

Mr. TOWNSEND. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. I yield.

Mr. TOWNSEND. I do not understand the situation exactly as the Senator from Minnesota does. My understanding of the situation is that under the law the department has no authority to employ anybody outside of the department to do any special work. As the chairman of the committee has said, these cases involving the determination of the minor heirs have piled up to a very large extent. It is a serious problem with the department and the Indian Office to-day. Under the old custom that has heretofore existed, and that was sought to be continued by an amendment by interested parties, lawyers would take the cases of these infants and endeavor to determine them in the courts at tremendous expense. As compared with the determination of the claims of white infant heirs, the expense was something like two or three times as great.

Now, we come down to this proposition: We appropriate \$50,000 for this work. That is probably sufficient; but the department, in the very nature of things, on account of the amount of work that has piled up, can not do that work with the amount of force it has on hand. It is not a question of the competency of the force there so much as it is a question of absolute inability, because of lack of time, to do the work. Feeling, as the department does, that it would have no right to take any part of this sum to employ help outside of the department, it asks that this especial provision be made for \$10,000 of the \$50,000 in order that it may hasten the work and complete it as it is proposed to have it completed under the provision itself.

Mr. CLAPP. That is just what I said, except that it is more explicit.

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Senator from Missouri [Mr. STONE].

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, after line 6, to insert:

To increase the salary of the Commissioner of Indian Affairs from \$5,000 to \$7,500, \$2,500.

Mr. CHILTON. Mr. President, I should like to ask the chairman of the committee the reason for that increase of salary.

Mr. STONE. This bureau is perhaps the most important bureau connected with any of the departments. It has a larger amount and a greater variety of subjects to deal with. The commissioner is responsible for the proper conduct of a vast number of trusts, involving nearly a thousand million dollars—\$900,000,000 at least—and it requires the services of an unusually capable man properly to conduct the affairs of the bureau.

There was a question in the minds of the members of the committee whether, if an increase should be made in the salary of this particular commissioner, there would not be a clamor for increases in the salaries of other commissioners. But, in the judgment of the committee, the importance of the other commissionerships as compared to this is not such as to put them on terms of equality. We felt that we could well afford to increase this salary with a view of securing the services of a man of large experience and business ability, the services of such a man being very essential, and the committee therefore unanimously recommended the increase.

Mr. CLARK of Wyoming. If the addition of \$2,500 to the salary of the Commissioner of Indian Affairs will accomplish the purpose which the chairman has in mind I, for one, will not object for a moment.

Mr. STONE. We hope so; we think so.

Mr. CLARK of Wyoming. I desire to say, however, that unless there is a marked development along the line of increased efficiency, I doubt the wisdom of this increase; and I have to take issue with the Senator as to the fact of this being the most important of the commissionerships. I think all the commissioners of this kind, the heads of bureaus, are paid \$5,000 per annum. I think the Commissioner of the General Land Office is paid \$5,000 per annum. Of course that is an office that deals not with Indian affairs but with the affairs of hundreds of thousands of white American citizens. While I dislike to see a discrimination made between those two offices, which perhaps are of equal importance and which perhaps handle an equal amount of funds, and certainly have to do with very valuable matters, in the hope that the one may follow the other, I shall not object to this. I think the efficient management of both of these offices requires men who are worth \$7,500 per annum.

Mr. CHILTON. Mr. President, it was rather as I suspected, that this is a beginning, and no doubt, later on, all the commissioners will ask for an increase in their salaries.

Mr. STONE. I did not hear the Senator.

Mr. CHILTON. I say I have not any doubt that this is the beginning; and if you make a break in it you are going to have all these people come to Congress to have their salaries increased. There are a few of us here who think we should have a little deliberation before we increase these salaries. As far as I am concerned I do not care to discuss it. We might stand here and discuss it until dark, and we will hear the same contention made. It is simply a lot of people at the head of these bureaus who want to have their salaries increased, and they will come here later demanding an increase if this is granted. As far as I am concerned I am opposed to it. We can get a competent man for \$5,000. I could furnish 50 from West Virginia who would be glad to take these positions for \$5,000 and who are as competent as those now in charge.

Mr. VARDAMAN. I wish to ask the Senator from West Virginia if the Commissioner of Indian Affairs has not already been appointed at a salary of \$5,000?

Mr. CHILTON. I understand so.

Mr. VARDAMAN. I am opposed to any raise of the salary.

Mr. CHILTON. I rose for the purpose of saying that I want a vote by yeas and nays on this amendment. I shall at the proper time ask for the yeas and nays upon the amendment. I do not think we ought to increase the salary. I do not think there has been any good reason given.

Mr. STONE. Before the vote is taken or any discussion had, if there is to be further discussion, it has been suggested to me that at the end of line 8 the numerals "2,500" should be stricken out and the numerals "7,500" inserted.

Mr. SMOOT. No, Mr. President.

Mr. CHILTON. That would give him a salary of \$12,500.

Mr. SMOOT. I wish to call the Senator's attention to the fact that in the legislative, executive, and judicial appropriation act we appropriated \$5,000 for the salary of this officer, and I understand it is the object of the committee now to increase it \$2,500. If so, the amount as stated here is correct.

Mr. CLAPP. That is right.

Mr. CHILTON. Unless they want him to have \$12,500 it is right.

Mr. LA FOLLETTE. It is all right as it is.

Mr. STONE. Word was sent to me by an official at the desk that it was wrong.

Mr. SMOOT. I know there was \$5,000 appropriated for the salary of this officer.

Mr. CLARK of Wyoming. We have already appropriated \$5,000.

Mr. CLAPP. And \$2,500 is added.

Mr. CHILTON. I make the point of order against the amendment that fixing the salary of this officer at \$7,500 is a change in existing law and has no place in this appropriation bill.

Mr. OWEN. Mr. President, ordinarily I would not be in favor of increasing the salary of the Commissioner of Indian Affairs to \$7,500. In this case I do favor it. The man who takes this office makes an important pecuniary sacrifice to take it. When you come to consider the enormous amount of property, the large interests which are involved in this office, the complicated character of the work, the delicate work that is to be carried out in the office in dealing with the Indian people, I do think that this increase is abundantly justified.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. OWEN. Certainly.

Mr. CHILTON. I just want to ask the Senator a question. I do not understand what he means by saying that the gentleman accepted the office at a sacrifice. He knew what the salary was when he did accept it, did he not?

Mr. OWEN. I assume that he did.

Mr. CLAPP. I should like to ask that Senators might take us into their confidence by speaking so that we could hear them.

Mr. OWEN. I did not hear what the Senator from Minnesota said.

Mr. CLAPP. I suggested that the Senator from Oklahoma and the Senator from West Virginia take the balance of the Senate into their confidence by speaking sufficiently loud so that we could hear them.

Mr. OWEN. I have tried to speak loud enough to be heard.

I wish to call the attention of the Senate to the fact that the property of the Indian tribes directly under the supervision of this office amounts to \$900,000,000. It is a gigantic sum, and these great properties have not been sufficiently developed to be yielding any proper income to the Indians for whom we are called on to make these large appropriations every year.

Take the case, for instance, of the Yaquina Indians. They have an estate valued at \$28,000 apiece, amounting to something over \$130,000 for a family of five. In this bill we are appropriating money for the support and civilization of those Indians when they have a gigantic estate which is producing nothing whatever because of the inefficiency of the management of this Government. The reason why the property has not been well managed, I think, is because in too large a degree these important offices are in the control of gentlemen of good manners, of moderate experience, of ability and capacity, who want the office rather than take the office for the purpose of rendering an important public service. I think that the office ought to be made more attractive, so that it might be occupied by men who are able to earn at least as much outside of the Government service as they do in the Government service.

The reason why I think in this case the increase is justified is because the present incumbent is well worth it, and far more, and because I believe that I favor increasing this salary, believing that out of his work the Government will save the amount many times over in the appropriations which are annually made here. Take the case of the Yaquina Indians, with a fortune of \$125,000 to \$130,000 to a family, producing nothing whatever. Every single one of the Yaquina Indians ought to be able to make a living out of the timber on that reserve. They ought to have their own sawmills; they ought to be getting out that timber with their own labor; they ought to be making an independent fortune out of that property, and if they had the proper advice and the proper counsel and the proper support they would be doing that very thing.

Mr. GALLINGER. Mr. President—

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. For information, will the Senator state who is the present Commissioner of Indian Affairs? I think he was recently appointed.

Mr. OWEN. Mr. Cato Sells, of Texas.

Mr. GALLINGER. The Senator knows him to be a very competent man?

Mr. OWEN. I do. I know him.

Mr. CLARK of Wyoming. I should like to ask the Senator how much Mr. Sells has had to do with Indian affairs? I ask just for information.

Mr. OWEN. I think, answering the question in the spirit of the question—

Mr. CLARK of Wyoming. The spirit of the question—

Mr. OWEN. I say, better than all is a free, capable mind. I do not think he has been an Indian agent or an Indian inspector.

Mr. CLARK of Wyoming. I want to say to the Senator that the spirit of the question was not at all hostile.

Mr. OWEN. I did not take it so. I was simply about to say that I think his experience justifies the expectation that he will handle this office with efficiency.

Mr. CLARK of Wyoming. Do I understand the Senator to believe that a man with little or no experience in Indian affairs is better qualified to deal with the situation?

Mr. OWEN. It depends on the length of time he has been connected with it. If you take a man like James McLaughlin, who has been in the service 38 years and whose conclusions are drawn in his book, *My Friend the Indian*, I would say yes. If you take a man from Massachusetts who has been on a junketing tour in an Indian tribe for the purpose of nosing out something sensational to come back home and exploit his own virtues on at the expense of other people, I say no.

Mr. CLARK of Wyoming. I still am uninformed. I wanted to ask the Senator his view—

Mr. OWEN. I will give my view.

Mr. CLARK of Wyoming. And to ask who would probably make the most efficient Commissioner of Indian Affairs of two men of equal ability, one of whom had experience in connection with those affairs and the other who had not. Which one would probably render the most efficient service? Without knowing anything in regard to the familiarity of Mr. Sells—

Mr. OWEN. Any man who has lived in the western part of the country, who knows the condition of the Indians and has a sufficient knowledge of the Indian's characteristics to know what the problem is. It must depend on a man's sense, upon his high character, upon his penetration, upon his intellectual ability.

Mr. CLARK of Wyoming. Will the Senator inform us just how great Mr. Sells's experience has been in that direction?

Mr. OWEN. With regard to Indian management, I do not think he has had anything particular to do with the management of Indians, but he has had a good deal to do with the management of men. He has been able to handle men of all kinds very well, I am told.

Mr. CLARK of Wyoming. I do not know Mr. Sells, and I do not know what his occupation is at the present time. When I did know him—

Mr. STONE. I have known Mr. Sells for many years. He formerly lived in Iowa. He was a lawyer there and a very successful man of business. He has been in Texas for some years and has been a very successful man there in business affairs. He is a man of high character, of rather striking intelligence, and familiar with large affairs.

I agree with my friend from Oklahoma that it is not necessary that a man should have had large, direct experience in the management of Indian affairs to make a good Indian Commissioner. It may be that the Senator from Oklahoma is right when he says that it is well to take a man from the field outside who has not been connected very much with Indian affairs and put new life and new blood and new thought into the administration.

The Senator from Wyoming has not had, I imagine, much direct experience in the management of Indian affairs, but I would think that the Indian Bureau, the Interior Department, and the country would be most fortunate to secure a man of the intelligence, force of character, and general judgment of affairs that characterize the Senator from Wyoming.

Mr. CLARK of Wyoming. Mr. President, I simply wanted to say that for many years I have known nothing particular about Mr. Cato Sells. I knew of him in my earlier life. As the Senator says, he is a man of broad mind and good judgment in great affairs. He was at one time, I think, the chairman of the Democratic State committee in Iowa, and if he can manage the Indians in his administration now with one-half the ability that he managed the Democrats in Iowa he will surely make a success in this office.

Mr. ASHURST. Mr. President, I make the point of order that the point of order made by the Senator from West Virginia [Mr. CHILTON] is no longer available, because when a point of order has been discussed upon the merits of the proposition involved in the amendment all right to make the point of order is waived. That is one of our precedents.

The VICE PRESIDENT. The Chair desires to know for its information whether in the act creating the office of Commissioner of Indian Affairs the salary was fixed?

Mr. GRONNA. Mr. President, if I may have the attention of the Senator from West Virginia, I sincerely hope that he will withdraw his point of order on this question. This particular item was considered by the Committee on Indian Affairs. Every one here knows that there is no bureau where the commissioner at its head experiences more difficulty than the Bureau of Indian Affairs.

I admit that the amendment is subject to the point of order made by the Senator from West Virginia. While it may be true that the gentleman who has been appointed to this responsible position is willing to sacrifice his time for the present salary, and while it is also true, as the Senator from West Virginia said, that there are many men who would accept it at the present salary, there are many men who would be glad to accept it at \$1,000, perhaps. But the question is, Will they do the work that they are required to do?

I have been a member of various committees in both Houses of Congress, but never have I experienced as much difficulty in solving the problems that come before a committee as upon the Committee on Indian Affairs.

As this is such a responsible position, requiring exceptional ability and a great deal of work, I hope that the Senator from West Virginia will withdraw his point of order.

Mr. CHILTON. Mr. President, when I stated my objection to this amendment and made the point of order I did not know who was Commissioner of Indian Affairs, nor do I care who he is. I am willing to concede that he is a man of ability and character, perfectly competent to discharge the duties of the office. I do not intend to be drawn into a discussion of the fitness of the Commissioner of Indian Affairs. He should be a man who is competent; he should not be appointed unless he is competent; and he should not accept unless he can discharge the duties of the office well. I am speaking to the principle of continually prying up the salaries of these officials after they have accepted the office with a fixed salary. We know how this has been going on. I want to stop it, and I shall insist on my point of order.

In response to what the Senator from Arizona [Mr. ASHURST] has said, I have only this to say: Having addressed the Chair in the usual way to get his attention and made my point of order, and having then exhausted my powers as a Senator, I can not stop other Senators from addressing the Chair and speaking upon the main question. That is a matter for the Chair to take care of. It would seem to me that we are in a very peculiar position from a parliamentary standpoint if a point of order shall be made and then Senators can talk the point of order out until it becomes itself out of order. I hope there is no such ruling.

The VICE PRESIDENT. The Chair will again inquire as to whether, when the office of Commissioner of Indian Affairs was created, a salary was fixed by the statute?

Mr. CHILTON. I am unable to answer the question.

The VICE PRESIDENT. The Chair makes the inquiry for the purpose of ruling on the point of order.

Mr. SMOOT. I have not the statute here with me, but necessarily there must have been a salary fixed in the act creating the office.

Mr. CHILTON. I take it so.

Mr. SMOOT. At the time of the passage of the act for the creation of the office a salary was fixed with the office.

Mr. STONE. Mr. President, there is an appropriation made in the legislative appropriation bill each year to pay the salary of the Commissioner of Indian Affairs as the salaries of other executive officers are paid, and the appropriations made will cover the salaries fixed by law.

Mr. SMOOT. That is the case, no doubt.

Mr. STONE. I have no doubt that is true.

Mr. SMOOT. Every year in the legislative, executive, and judicial appropriation bill a sum is appropriated covering the amount fixed by law for the salaries of all the departmental officials, and among them, of course, is the office of Commissioner of Indian Affairs.

The VICE PRESIDENT. That is not the inquiry which the Chair is making. The Chair has no doubt that the salaries are always included in the appropriation bill, but the query is whether when the office was created the salary was fixed.

Mr. CLARK of Wyoming. If the President will permit me, section 462 of the Revised Statutes provides that—

There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of \$3,000 a year.

That statute was passed the 9th of July, 1832, and is the statute creating the office of Commissioner of Indian Affairs.

Mr. STONE. Then the salary has been increased by the appropriations for that purpose?

Mr. CLARK of Wyoming. The salary has been increased from time to time, I understand, in the annual appropriation bill. The appropriation has been in excess of the salary originally fixed.

The VICE PRESIDENT. Now, upon the point of order of the Senator from West Virginia—

Mr. GORE. Mr. President, before the President rules I wish to say that I share the sentiment of those Senators who have requested the Senator from West Virginia not to insist upon his point of order. As a rule I shall stand beside the Senator in resisting increases in salaries, especially unnecessary increases, but, in my judgment, we need a \$7,500 man as Commissioner of Indian Affairs. I think in this instance we have a \$7,500 man appointed to that station. I believe that it would be a source of great economy and that his services will entitle him to this compensation. I think this ought to constitute an exception to the Senator's rule and to my rule.

Mr. FALL. Mr. President, complaint is very often heard that it is impossible to have the business of this Government conducted as private business is conducted. The Commissioner of Indian Affairs has charge of property approximating \$900,000,000 in value all over the western portion of the United States. At any rate, it covers a great variety of business. If this was a private business matter, there would be no question of a salary of \$25,000 or more accompanying the duties of the office of the commissioner. The corporation or business interest receiving such services, if they were properly rendered, would consider \$25,000 a very moderate amount.

I think if the Government will get good men and pay good men something like a commensurate salary, the complaint so often made heretofore that we can not get our business attended to in a businesslike way might, to some extent at least, be obviated. I join the Senators who have expressed themselves in the sincere wish that the Senator from West Virginia will withhold his point of order.

The VICE PRESIDENT. The Chair finds that on January 13, 1881, the Presiding Officer, Mr. Hoar, of Massachusetts, decided the question that an amendment was not in order, was not good, after debate had proceeded upon the merits of the amendment. There seems to have been no appeal from the decision of the Chair. The Chair as now constituted does not believe that ruling was correct. The Chair believes that in the course of the discussion on an amendment a fact may arise which indicates that a point of order should be made and should be sustained by the Chair. The Chair believes that this is general legislation, intended to increase the salary of an office where the salary is fixed by statute, and that it can not be done over an objection upon an appropriation bill.

Mr. GALLINGER. Mr. President, I desire simply to make an observation in response to a suggestion made by the Senator from Oklahoma [Mr. OWEN]. Those of us coming from Eastern States have always hesitated to take any prominent part in the discussion of Indian affairs or any matters relating to the public lands, for the reason that naturally we are not as well informed as western men. I have, however, to some extent heretofore, as I have to-day, taken an interest in the Indian appropriation bill, and I shall continue to do so as long as I remain a Member of this body.

I regretted to hear the Senator from Oklahoma sneeringly allude to men from Massachusetts who go out West nosing around and coming back and making reports on Indian affairs. It is not a proper characterization of some men in Massachusetts as well as in other States of the East.

We all remember the great services that Senator Dawes, of Massachusetts, rendered this country in relation to Indian affairs. We all remember that of the entire membership of this body Senator Dawes was looked upon as an authority for years and years, and that the work he did was of inestimable value to the people of this country.

We also, some of us, remember the work that Senator Platt, of Connecticut, did—that man of sainted memory, standing, I think, in one of these seats here, perhaps the one I occupy now, for years a member of the Committee on Indian Affairs, sometimes protesting against remaining on that committee. I say we all remember the work that man did and the great services he rendered the Government. He came not from Massachusetts, but from the contiguous State of Connecticut. He had as deep an interest in the welfare of the Indians of this country as any man who ever lived, and he rendered service that we ought not to minimize in our consideration of Indian questions.

We also remember Senator Quay, of Pennsylvania. I think the last speech he made in the Senate was a eulogy on the Indians, a speech coming from a man who seldom spoke, that

brought tears to the eyes of some Members of this body. His devotion to the cause of the Indians was of a character that some of us remember and are glad to pay tribute to on this occasion.

I recall, Mr. President, the fact that when Mr. Cornelius Bliss was appointed Secretary of the Interior from the State of New York there was great trepidation in the minds of many men lest he should bring to the consideration of the great questions in that very important department of the Government narrow views on questions that more directly concern the Western States and the representatives of the Western States. Yet, Mr. President, there is not a western Senator here to-day who is familiar with the work that Mr. Bliss did in that great department who will not agree with me that the Government never had a more efficient, a more capable, and a more broad-minded Secretary of the Interior than Mr. Bliss.

Mr. President, I say this partly in apology for presuming to take any part in the consideration of the bill to-day. I do not pretend to be familiar with the details of Indian legislation or of the management of the Indian Office, but I do, Mr. President, assert here and now that I have just as deep an interest in the welfare of those wards of our Nation as any man has, no matter what State he represents.

I hope that hereafter in the discussion of this question we will not draw the geographic line and say that men living in the East must be debarred from investigating these subjects and expressing their opinions any more than shall Senators from the Western or Southern States of the Union.

The VICE PRESIDENT. The Chair has sustained the point of order upon the proposition that the amendment of the committee is general legislation on an appropriation bill. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, after line 8, to insert:

For the purpose of making thorough inquiry into conditions in the Indian service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission, to be known as the Joint Commission to Investigate Indian Affairs, to be composed of three Members of the Senate, to be appointed by the Presiding Officer of the Senate from the membership of the Senate Committee on Indian Affairs, and three Members of the House of Representatives, to be appointed by the Speaker from the membership of the Committee on Indian Affairs of the House of Representatives. The said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpoena witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said commission is hereby authorized to visit any Indian agency, school, institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs, and all other officers connected with the administration of Indian affairs to aid the said commission and furnish all available information that may be demanded by said commission.

The investigation hereby provided for shall be conducted by said commission as speedily as possible, and the findings, conclusions, and recommendations of such commission shall be reported to Congress at the second session of the Sixty-third Congress. Said commission is hereby authorized to employ such clerical and other assistance, including stenographers, as said commission may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding \$1 per printed page. The sum of \$50,000 is hereby appropriated to pay the expenses of the said commission. Within 10 days after the appointment of the members of the commission they shall proceed to elect a chairman and secretary, and the funds hereby appropriated shall be paid out on the order of such chairman and secretary, and a full, itemized account of all such expenditures shall accompany the final report of the commission when submitted to Congress.

Mr. GALLINGER. Mr. President, I desire to ask the chairman of the committee if he has any objection to striking out, on page 11, in lines 18 and 19, the words "from the membership of the Senate Committee on Indian Affairs," and, in lines 21 and 22, to striking out "from the membership of the Committee on Indian Affairs of the House of Representatives"?

I assume that very likely the members of this commission, if it shall be appointed—and I do not object to it—will be selected from those two committees as a rule, but it might occur that for good and sufficient reasons some Senator outside of that committee or some Member of the House of Representatives outside of that committee ought to go on that commission.

I will say for myself, Mr. President, that I would not go on the commission if I received the appropriation that is included in this item; so, I do not speak from any personal consideration; but I think it is well in selecting the members of such commissions to let the matter remain open for the Vice Presi-

dent, seeking the advice, as he will, of the chairman of the committee, to make such selections as, in his judgment, he should deem wise. I shall not move to strike out the words, but I ask the distinguished chairman of the committee if he would object to doing so?

Mr. STONE. So far as I am personally concerned, I have no objection whatever to the change which the Senator suggests; and I almost feel like taking the authority of speaking for the committee and accepting the suggestion.

Mr. GALLINGER. Then I will, under that statement, make the motion, Mr. President.

The VICE PRESIDENT. The Senator from New Hampshire moves an amendment to strike certain words from the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. On page 11, in lines 18 and 19, after the word "Senate," it is proposed to strike out "from the membership of the Senate Committee on Indian Affairs," and in lines 21 and 22, after the word "Speaker," to strike out "from the membership of the Committee on Indian Affairs of the House of Representatives."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 13, after line 11, to insert:

That an agreement, made at the Navajo Springs Indian Agency, in the State of Colorado, on the 10th day of May, 1911, with the Wiminuche Band of Southern Ute Indians, belonging to the jurisdiction of the Navajo Springs Indian Agency, be, and the same is hereby, modified and amended to read as follows:

"ARTICLE I.

"The said Wiminuche Band of Southern Ute Indians hereby agrees to relinquish and surrender to the United States of America all its right, title, and interest in and to that portion of its reservation described as follows:

"Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado, where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, 'south of the Ute boundary,' intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1, said township; thence east to the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, 'south of the Ute boundary,' the place of beginning; 14,520 acres, more or less, lying and being in Montezuma County, State of Colorado.

"ARTICLE II.

"In consideration for the lands relinquished and surrendered as aforesaid the United States hereby agrees to convey to said Wiminuche Band of Southern Ute Indians in exchange therefor lands lying within the present boundaries of the Mesa Verde National Park and from the public domain, said lands to become a part of the reservation of said Wiminuche Band of Southern Ute Indians and to take on the same character and title as the rest of the land of the said reservation, of which they become a part by virtue of this agreement, and described as follows:

"Sections 1, 2, 3, 4, 5, fractional sections 8, 9, 10, 11, 12, in township 34 north, range 16 west, 'north of the Ute boundary,' also sections 25, 26, 27, southeast quarter section 28, sections 32, 33, 34, 35, and 36, township 35 north, range 16 west, containing 10,080 acres, more or less.

"Also sections 5 and 6 and fractional sections 7 and 8 (unsurveyed) in township 34 north, range 17 west, 'north of the Ute boundary,' and sections 1, 2, 3, 4, 5, and fractional sections 8, 9, 10, 11, and 12 (unsurveyed), in township 34 north, range 18 west, 'north of the Ute boundary,' and sections 19, 20, 29, 30, 31, and 32, in township 35 north, range 17 west, and sections 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, in township 35 north, range 18 west, New Mexico principal meridian, containing 20,160 acres, more or less.

"And in case it be found that any portion of the lands herein described have been entered or patented under any of the land laws of the United States, then, and in that event, it is stipulated and agreed that public lands of an equal amount and like character and lying adjacent to the lands herein described be substituted and given to said Wiminuche Band of Southern Ute Indians, to make the total area of lands to be given in amount equal to the above-described lands, the total area in said western tract to contain 20,160 acres.

"ARTICLE III.

"Nothing in this agreement shall be construed to deprive the Indians parties hereto of any annuities or benefits to which they are entitled under existing laws and treaties.

"ARTICLE IV.

"This agreement shall become effective and binding on the parties hereto when ratified by the Congress of the United States."

SEC. 2. That the said agreement be, and the same is hereby, accepted, ratified, and confirmed as herein amended.

SEC. 3. That the Secretary of the Interior is hereby authorized to add to the area conveyed to the Indians in exchange for the lands relinquished any tracts of unappropriated public land adjoining thereto which may be necessary to make the total area of the acreage ceded to the Indians in lieu of that lost to them by any prior existing valid rights attaching thereto.

SEC. 4. That the boundary of the Mesa Verde National Park, created by the act of Congress approved June 29, 1906 (34 Stat. L., 616), is hereby extended on the south so as to include the land relinquished by the Indians in the foregoing agreement as herein provided and the boundaries of said park shall hereafter be defined as follows:

Beginning at a point on the north boundary of the Southern Ute Indian Reservation in southwestern Colorado where the north quarter corner of unsurveyed fractional section 2, township 34 north, range 15 west, "south of the Ute boundary," intersects the same; thence south to the south quarter corner of unsurveyed section 26, said township; thence west to the southwest corner of unsurveyed section 25, township 34 north, range 16 west; thence north to the northwest corner of unsurveyed fractional section 1, said township and range; thence west to the southeast corner of fractional section 12, township 34 north, range 16 west, "north of the Ute boundary"; thence north to the northwest corner of section 19, township 35 north, range 15 west; thence east to the southwest corner of the southeast quarter of section 16, said township; thence north to the northwest corner of the southeast quarter of said section; thence east to the southwest corner of the northeast quarter of section 13, said township; thence north to the northwest corner of the northeast quarter of said section; thence east to the southwest corner of section 7, township 35 north, range 14 west; thence north to the northwest corner of said section; thence east to the southwest corner of section 5, said township; thence north to the northwest corner of said section; thence east to the northeast corner of said section; thence south to the southeast corner of the northeast quarter of said section; thence east to the northeast corner of the southwest quarter of section 4, said township; thence south to the northwest corner of the southeast quarter of section 16, said township; thence east to the northeast corner of the southeast quarter of said section; thence south to the northwest corner of section 22, said township; thence east to the northeast corner of said section; thence south to the northwest corner of section 26, said township; thence east along the north section line of section 26 to the east bank of the Rio Manco; thence in a southeasterly direction along the east bank of the Rio Manco to its intersection with the northern boundary line of the Southern Ute Indian Reservation; thence west along said Indian reservation boundary to its intersection with the range line between ranges 14 and 15 west, the place of beginning;

And the provisions of the act of June 29, 1896, creating the park, are hereby extended over the same.

So much of the act of June 29, 1906, as provides that the custodianship of the Secretary of the Interior shall extend over all prehistoric ruins situated within 5 miles of the eastern, western, and northern boundaries of the park, as described in said act, not on lands alienated by patent from the ownership of the United States, is hereby repealed.

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," in section 2, page 21, line 4, after the words "determining the," to strike out "reasonability" and insert "feasibility," so as to make the clause read:

For continuing the investigation by the Secretary of War for the purpose of determining the feasibility and practicability of constructing a dam and reservoir at or near the vicinity of the Box Canyon on the San Carlos Indian Reservation, and for other purposes, as authorized by the act of August 24, 1912 (37 Stat. L., pp. 518-522), \$10,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 22, line 19, after the word "act," to insert "to be immediately available," so as to make the clause read:

For completion of the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, \$25,000, reimbursable as provided in said act, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 23, line 4, after \$65,300, to strike out "which said sum of \$65,300 shall be reimbursed to the United States by the Apache Indians having tribal rights on the Fort Apache and San Carlos Indian Reservations, and shall be and remain a charge and lien upon the lands, property, and funds belonging to said Apache Indians until paid in full," so as to make the clause read:

For the construction of a bridge across the Gila River on the San Carlos Apache Indian Reservation, Arizona, \$45,500; and for the construction of a bridge across the San Carlos River on said reservation in said State, \$19,800, to be immediately available, said bridges to be constructed across said streams in the places and manner recommended by the Secretary of the Interior in House Document No. 1013, Sixty-second Congress, third session; in all, \$65,300.

The amendment was agreed to.

The next amendment was, under the head of "California," in section 3, page 25, after line 19, to insert:

For completing the construction of the wagon road on the Hoopa Valley Indian Reservation, in the county of Humboldt, State of California, and for the purpose of repairing that part of said road already constructed under the provisions of the act of April 30, 1908, \$5,000, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," in section 7, page 27, line 20, after the words "the sum of," to strike out "\$4,010.75" and insert "\$2,000," so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. C. Tillotson, of Topeka, Kans., the sum of \$2,000, said amount being in payment for work done and expenses incurred by said Tillotson in carrying out the provisions of the treaty with the Pottawatomie Indians proclaimed April 19, 1862, and under the act of Congress approved March 3, 1909, under contract with the Secretary of the Interior, said sum to be paid on proper certificate from the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," in section 9, page 34, after line 9, to insert:

That any Indian allottee of the Fond du Lac Reservation who has not already received 80 acres of land in allotment shall be entitled to take by allotment of any unappropriated land of said reservation sufficient, with the land already allotted such Indian, to make 80 acres of land, such allotment not to interfere with existing timber contracts.

The amendment was agreed to.

The next amendment was, under the head of "Montana," in section 10, page 34, line 18, after the word "employees," to strike out "20,000" and insert "\$25,000," so as to make the clause read:

SEC. 10. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, \$25,000.

The amendment was agreed to.

The next amendment was, on page 34, line 21, after the word "employees," to strike out "\$12,000" and insert "\$15,000," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, \$15,000.

The amendment was agreed to.

The next amendment was, on page 35, line 13, after the word "estimates," to strike out "\$275,000" and insert "\$350,000," so as to make the clause read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans, and estimates, \$350,000, to be immediately available, reimbursable in accordance with the provisions of the act of April 4, 1910.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

There is hereby appropriated the sum of \$50,000, reimbursable, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Indian Reservation, Mont. The said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment; for the construction of houses for said Indians, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

The Secretary of the Interior is hereby authorized to pay to Omer D. Lewis, lease clerk at the Flathead Indian Agency, Mont., the sum of \$2,573.25, for the purpose of reimbursing him for expenses incurred for hospital and doctor's fees paid and serious personal injuries received while aiding Federal officers engaged in suppressing the sale of liquor to Indians, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

The Court of Claims is hereby authorized and directed to hear and consider all claims, legal or equitable, of the Blackfoot, Blood, Piegan, Grosventre, River Crow, and Assiniboine Tribes or Nations of Indians residing on the Blackfoot, Fort Belknap, and Fort Peck Indian Reservations in the State of Montana, respectively, arising under treaties, agreements, acts of Congress, and executive orders, and all legal and equitable defenses thereto, including set-offs and counterclaims of the United States against said tribes or nations of Indians, without regard to the lapse of time, and to make findings of fact and report the same to Congress.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

There is hereby made available the balance of any tribal funds now in the Treasury of the United States to the credit of the Blackfoot Indians of Montana, or which shall hereafter be deposited to their credit, including the proceeds from the sale of surplus lands, for expenditure by the Secretary of the Interior, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing on and having tribal rights on the Blackfoot Indian Reservation.

The amendment was agreed to.

The next amendment was, under the head of "Nevada," in section 12, page 40, line 10, after the words "in all," to strike out "\$73,400" and insert "\$56,100," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, \$50,100; for general repairs and improvements, \$6,000; in all, \$56,100.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," section 13, page 40, after line 11, to strike out:

SEC. 13. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, \$51,900; for general repairs and improvements, \$3,000; new buildings, \$15,000; in all, \$69,900.

And in lieu thereof to insert:

SEC. 13. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, \$68,600; for general repairs and improvements, \$7,000; for the construction of new buildings, \$46,000, as follows: Shop buildings, \$14,000; domestic science building, \$7,000; gymnasium and assembly hall, \$25,000; in all, \$121,600.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to strike out:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, \$51,900; for general repairs and improvements, \$4,000; for water supply, \$1,600; for girls' dormitory, \$18,000; in all, \$75,500.

And in lieu thereof to insert:

For support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, \$68,600; for general repairs and improvements, \$8,000; for water supply, \$1,600; for addition to girls' dormitory, to be made immediately available, \$18,000; for a gymnasium and assembly hall, combined, \$25,000; in all, \$121,200.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

For the construction, equipment, and maintenance of a tuberculosis sanatorium on the Mescalero Reservation, N. Mex., for the treatment of tuberculous Indians, the sum of \$100,000: *Provided*, That not to exceed \$10,000 of this sum shall be used for the construction of a wagon road from Three Rivers, N. Mex., to the sanatorium site on the Mescalero Reservation.

The PRESIDING OFFICER (Mr. SHIVELY in the chair).

The question is on agreeing to the amendment.

Mr. GRONNA. Mr. President, when the bill was before the committee I made some objection to this provision, and I made the statement, I believe, that I should raise a point of order against it in the Senate. I have since been furnished with information that an estimate has been made for the appropriation, and I shall therefore not now make the point of order.

Mr. GALLINGER. Mr. President, before the amendment is voted on—I do not propose to make a point of order against it, even if it would lie—I should like to ask for a little information from either the chairman of the committee or from one of the Senators from New Mexico concerning this proposed sanatorium. How many Indians are likely to make use of this sanatorium if it shall be established at an expense of \$100,000?

Mr. FALL. I understand the proposition will finally resolve itself down to the point that they propose to take care of 500 Indians annually. As to the number with which they will start, I was informed by the commissioner that they would commence with about 100. They need this money for buildings, for the construction of roads and irrigation ditches, and to enable them to enter upon farming. I believe they propose to allow some of the Indians to conduct farming operations and that has to be done by irrigation.

Mr. GALLINGER. The sanatorium will be open to Indians from all parts of the country?

Mr. FALL. From all parts of the country.

Mr. GALLINGER. Have they means to enable them to leave their homes from distant points to get to the sanatorium?

Mr. FALL. The commissioner seemed to think that there were ample funds in the individual appropriations for the different Indian tribes and in the general appropriations to enable the Bureau of Indian Affairs to remove the Indians there and to take care of them.

I will say to the Senator that there was considerable objection to this item, which was suggested to me something over a year ago by the Commissioner of Indian Affairs. The site which he selected—he has been out there himself—and which was agreed to by the physicians who have been sent out by the department, was located on the upper head of streams which flow down through my ranch and by my home. As a matter of first impression I objected to that very seriously. The matter was argued, however, and finally the railroad company practically agreed that they would erect a separate station for the handling of the tuberculous Indians, and that they would be kept out of contact with the settlers on the three river branches—there are about 300 settlers in there—and taken up above, 8 or 9 miles away, at a place which the department considers the most ideal location, they say, in the United States for a hospital of this kind.

Mr. GALLINGER. The project is undoubtedly a proper one. We of the East, however, are usually of the opinion that the climate of New Mexico is so salubrious that tuberculosis does

not thrive there to any very great extent; that, in fact, people there are immune to a large extent; and we are in the habit of sending our patients from the East to New Mexico to be cured.

Mr. FALL. Exactly. The proposition here is to send Indians from all over the East, from the various reservations, to this hospital for treatment.

Mr. GALLINGER. That being the case, I really think the item ought to go into the bill.

I made a great—if I may use the word—fight some years ago to secure an appropriation for the establishment of a sanatorium in New Mexico for the treatment of white tubercular patients from all parts of our country. I was backed up vigorously and valiantly by the medical profession, but I did not succeed in getting the appropriation, and the project failed. I met then a good deal of opposition to that project from the people in New Mexico, who did not want tubercular patients sent into their territory, as I recall; and I sympathized, to some extent, with that feeling.

I am glad that the Indians are to be provided for, and possibly before my term ends—which is not very far in the future—I may renew the effort to find a place in that salubrious State where we can establish a sanatorium to which, the Government giving us some help, we can send poor patients from the East who, if they are to get relief, must get it from a change of climate. I shall very cheerfully vote for the proposed amendment.

Mr. CATRON. Mr. President, I think it is possible that the Senator from New Hampshire who has just finished speaking may have forgotten a little. I was a Delegate in the lower House when he made the effort which he speaks of making. His first effort was to have turned over to the country for such a hospital the military reservation which was in the city of Santa Fe, called Fort Marcy. He will remember now that I made strenuous objection to a reserve of that kind being placed right in the city of Santa Fe, and suggested to him that there was an abandoned reservation at Fort Stanton which could be taken up, and he did take that up.

Mr. GALLINGER. Yes.

Mr. CATRON. I think the reserve was established there afterwards. I do not know positively, but I am under the impression that it was done, at large expense.

Mr. GALLINGER. I think they established a sanitarium there for the marines of the Navy.

Mr. CATRON. Not for the people generally?

Mr. GALLINGER. Not for the people in whom I was more particularly interested.

Mr. FALL. That is true.

Mr. CATRON. I do not think the people will seriously object to a properly established sanitarium for that purpose for the people at large, provided it is within due limits. We recognize that we have the best climate in the United States for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 41, line 20, after "\$16,500," to strike out "which said sum shall be reimbursed to the United States by the Navajo Indians, and shall remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full," so as to make the clause read:

For the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, to be immediately available, \$16,500.

The amendment was agreed to.

The next amendment was, on page 42, line 2, after the words "New Mexico," to insert "to be designated by the Secretary of the Interior," so as to make the clause read:

For the pay of one special attorney for the Pueblo Indians of New Mexico to be designated by the Secretary of the Interior and for necessary traveling expenses of said attorney, \$2,000, or so much thereof as the Secretary of the Interior may deem necessary.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," section 16, page 43, after line 17, to strike out:

For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, \$26,500; for general repairs and improvements, \$5,000; for addition to barn, \$2,500; for dairy cows, \$1,000; in all, \$35,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 22, to insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, \$35,200; for general

repairs and improvements, \$3,000; for beautifying and improving school grounds, \$1,000; for gymnasium and playground equipment, \$1,500; for cement walks, \$1,000; for addition to barn, \$4,000; for dairy cows, \$1,000; for school building, \$30,000; in all, \$76,700. Of the above amount all shall be immediately available except the amount appropriated for education and support of pupils and for general repairs and improvements.

The amendment was agreed to.

The next amendment was, on page 44, after line 7, to insert:

For examination of the land embraced in Sullys Hill Park to determine whether it contains valuable minerals, \$1,000, or so much thereof as may be necessary.

Mr. GRONNA. May I have the attention of the chairman of the committee for a moment? I think a mistake has been made here. I believe the committee allowed \$500 for this purpose. If so, I wish that to be corrected.

Mr. STONE. I think that is an error.

Mr. GRONNA. It should be reduced to \$500.

Mr. STONE. It ought to be \$500.

Mr. CLARK of Wyoming. What is Sullys Hill Park? Is it an Indian reservation?

Mr. GRONNA. It is a Government park.

Mr. STONE. I move that "\$1,000" be stricken out and "\$500" inserted.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Before the amendment as amended is agreed to I wish to get a little information. I will ask if Sullys Hill Park is in an Indian reservation or whether it is entirely separate from an Indian reservation?

Mr. GRONNA. About the year 1902, I think, approximately 780 acres of Indian land were set aside as a Government park. Before that time a survey or examination was supposed to have been made to ascertain whether or not there were any minerals in what was called Sullys Hill. The Indians have been dissatisfied with the examination. The Committee on Indian Affairs looked into this matter very thoroughly, with the assistance of Commissioner Abbott. We found that no borings, no examination, had been made except by citizens of the State—so-called prospectors. Personally I do not think there are any minerals in those hills, but the Indians believe there are minerals there. We have been told that the borings can be made for the small amount of \$500, and the commissioner and the committee thought it would be money well expended.

Mr. GALLINGER. I presume the Senator has answered my question, and yet I do not quite comprehend the situation. Is this a part of an Indian reservation at the present time?

Mr. GRONNA. At the present time it is a small Government park. It belongs to the United States, but it is right in the Fort Totten Reserve.

Mr. GALLINGER. Why is not the Geological Survey the proper body to make an investigation of this kind?

Mr. GRONNA. I will say to the Senator that the Geological Survey will make this investigation.

Mr. GALLINGER. Has not the Geological Survey \$500 lying around loose somewhere that it could appropriate and use for that purpose?

Mr. GRONNA. No; I will say to the Senator from New Hampshire that we looked into that matter very thoroughly.

Mr. GALLINGER. I have no objection. It is a small item.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Oklahoma," section 17, page 44, after line 15, to insert:

That the Secretary of the Interior, in his discretion, is authorized to sell upon such terms and under such rules and regulations as he may prescribe the unused, unallotted, unreserved, and such portions of the school and agency lands that are no longer needed for administration purposes, in the Kiowa, Comanche, Apache, and Wichita Tribes of Indians in Oklahoma, the proceeds therefrom, less \$1.25 per acre, to be deposited to the credit of said Indians in the United States Treasury, to draw until further provided by Congress 5 per cent interest, and to be known as the Kiowa Agency hospital fund, to be used only for maintenance of said hospital: *Provided*, That by and with the approval of the Secretary of the Interior the county commissioners of Comanche County for the benefit of said county shall, for 90 days from and after the passage and approval of this act, have the preference right to buy at \$1.25 per acre a suitable 160-acre tract of land to be used for county poor-farm purposes.

The hospital heretofore authorized to be constructed on the Fort Sill Indian School Reservation, Okla., for the benefit of the Indians of the Kiowa, Comanche, and Apache Tribes in that State, by the act of August 24, 1912 (37 Stat. L., p. 529), is hereby made available for any members of the Caddo, Wichita, or other Indians in the State of Oklahoma, under the jurisdiction of the superintendent in charge of the Kiowa Agency.

Mr. CLARK of Wyoming. I should like to ask one question in regard to that amendment. I hardly understand what it means, and I ask for information. Does this amendment dispose of all of the unused, unallotted lands of these four tribes? It would seem to be so indicated. If that is true, I should be glad to be informed by the chairman, or somebody who is familiar with it, as to the extent of these lands. The amendment seems to grant authority to dispose of all the lands except those that have been given in individual allotments.

Mr. STONE. The purpose of the amendment, as I understand, is to authorize the Secretary of the Interior to sell the unused, unallotted, and unreserved lands, and such portions of the school and agency lands as are no longer needed for administration purposes, embracing about 2,000 acres altogether.

Mr. CLARK of Wyoming. About 2,000 acres, and not much more than that?

Mr. STONE. I will ask the Senator from Oklahoma if that is not correct?

Mr. OWEN. Yes; there are about 2,000 acres. Nearly all their land was sold. Some of it was turned back, and there are some odds and ends there that the department thought ought to be cleaned up, and they want to use them for a hospital for these people.

Mr. STONE. I can read what is said in the report, if the Senator is not satisfied.

Mr. CLARK of Wyoming. Oh, I am perfectly satisfied. I simply desired a little information.

Mr. STONE. The matter is very fully discussed in the report.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 45, after line 16, to strike out:

That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stats. 49), and the act of February 18, 1909 (35 Stats., 637).

The amendment was agreed to.

The next amendment was, on page 49, line 10, after the name "Edward Welch," to insert "*Provided*, That the lands heretofore or hereafter purchased for said Fort Sill Indians shall be subject to the provisions of the general allotment act of February 8, 1887 (24 Stats. L., 388), as amended, and trust patents shall issue to said Indians in accordance with the said act of February 8, 1887, and the amendments thereto," so as to make the clause read:

For continuing the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Oklahoma, on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$100,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available: *Provided*, That allotments may be purchased in Oklahoma for the widow of George Wrattan, interpreter for the Fort Sill prisoners of war, Martin Grab, and Edward Welch: *Provided*, That the lands heretofore or hereafter purchased for said Fort Sill Indians shall be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., p. 388), as amended, and trust patents shall issue to said Indians in accordance with the said act of February 8, 1887, and the amendments thereto.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, for the purpose of bringing the matter before the Senate, I desire to offer an amendment to come in as a new paragraph after the paragraph just read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. STONE. If the Senator will pardon me, unless he very much desires it, I suggest that it would be better to complete the committee amendments before individual amendments are offered.

Mr. TOWNSEND. I have no objection to following that course.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the subhead "Five Civilized Tribes," section 18, page 50, line 24, after the date "nineteen hundred and thirteen," to insert "and the sum of \$10,000, to be paid out of the Choctaw and Chickasaw tribal funds, is hereby appropriated for the completion of the work," so as to make the clause read:

That the act of Congress approved February 19, 1912 (37 Stat. L., p. 67), being "An act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes," be, and the same is hereby, amended to provide that the classification and appraisal of such lands shall be completed not

later than December 1, 1913, and the sum of \$10,000, to be paid out of the Choctaw and Chickasaw tribal funds, is hereby appropriated for the completion of the work.

The amendment was agreed to.

The next amendment was, on page 53, after line 3, to insert:

For settling land suits in eastern Oklahoma, \$25,000, reimbursable from fees which may be imposed in such cases by the Secretary of the Interior: *Provided*, That the Secretary of the Interior is hereby authorized, in his discretion, to approve any deed or contract or adjustment heretofore made by or between the parties to such suits, regardless of date, in the following cases:

Where the purchase or contract or settlement was made in good faith, without fraud, and the allottee actually paid the reasonable value of the land; or where a sum sufficient to make up the reasonable value of the land, in addition to the amount already paid to the allottee, shall be paid to the United States superintendent for the Union Agency; or where the adjustment shall be made upon such terms of settlement as the Secretary of the Interior may deem just, proper, and equitable, and under such rules and regulations as he may prescribe; and upon such settlement suit, if any, instituted at the request of the Secretary of the Interior shall be dismissed without court costs to the defendant.

Mr. GALLINGER. Mr. President, unless I can get satisfactory information concerning this proposed amendment I shall make the point of order against it. I wish first to inquire how many of these suits are to-day in controversy, and whether or not they are in the courts at the present time.

Mr. STONE. If the Senator will refer to the report accompanying the bill he will find a departmental letter addressed to me, as chairman of the committee, covering this subject. The Secretary of the Interior states, in the fourth paragraph of the letter, that he understands there are over 20,000 of these suits. Then he proceeds to say that additional legislation is imperative to preserve to the Indians the rights which would have been theirs had the agreement and laws of Congress been strictly complied with by these defendants, and so forth.

Mr. GALLINGER. And it is proposed at one fell swoop, in an appropriation bill, to settle 30,000 cases that are now in controversy or in the courts?

Mr. TOWNSEND. And now ready for judgment.

Mr. GALLINGER. And now ready for judgment, as I understand.

Mr. STONE. Twenty thousand, not thirty thousand. The proposed appropriation is \$25,000. The Secretary says:

I am of opinion, however, that the amount proposed to be appropriated, \$10,000, is entirely inadequate.

The Senator from Oklahoma [Mr. OWEN] has offered an amendment to the Indian appropriation bill which has been referred to the committee. That amendment I caused to be transmitted to the Secretary for a report upon it, and the letter which I am reading came from him in response. The amendment offered by the Senator from Oklahoma was for an appropriation of \$10,000. The Secretary says that he is of opinion that \$10,000 will be inadequate, and he proceeds to say:

If I am charged with the duty of adjusting these numerous and important suits, I would want to appoint a board or committee of three competent persons to act for the department in the field in the prosecution of the work. To do this we should have an initial appropriation of at least \$25,000.

Mr. GALLINGER. Mr. President, this matter manifestly ought not to be in an appropriation bill. Here are 20,000 or 30,000 suits—I do not know how many. There are large sums that will go to attorneys in these cases when they are settled, I presume, unless they are held on a contingent fee and they are defeated in the courts. I have here a Senate document entitled "Indian lands in Oklahoma. Decisions of the Supreme Court of the United States relative to the allotment of and taxes on certain Indian lands in Oklahoma; also relating to conveyances and the cancellation of conveyances, deeds, and mortgages thereon," which treats to some extent of this question.

In view of the fact that these cases are so numerous and, I apprehend, of considerable importance to somebody, I am quite unwilling that 20,000 or 30,000 suits should be settled by the Secretary of the Interior by a stroke of his pen. I therefore make the point of order that this is general legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 56, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to designate and set aside not to exceed 4 sections of the unallotted lands belonging to the Choctaw and Chickasaw Tribes of Indians in Oklahoma, said reservation being for the purpose of providing land on which to build a sanatorium or sanatoria for the benefit of said tribes of Indians.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to strike out:

All contracts, written or verbal, purporting or intended to authorize any person or persons, directly or indirectly, to represent any of the Five Civilized Tribes or any member or members thereof in respect to

the payment, distribution, or any other disposition of money or other property of the said nation held by or under the supervision of the United States, shall be absolutely void and incapable of ratification or confirmation unless the consent of the Secretary of the Interior and approval of Congress shall have previously been given in writing to the person claiming thereunder to negotiate such contract, and unless such contract shall be approved as required by section 2103 of the Revised Statutes of the United States, and any person who shall secure or attempt to secure any such contract without the consent of the Secretary of the Interior, or demand or attempt to collect or receive any money payment or any other consideration under any such contract not approved as herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than \$500 or imprisonment for not more than six months, or by both such fine and imprisonment, at the discretion of the court: *Provided*, That this shall not apply to contracts with tribal attorneys for said tribes entered into and approved by the President in accordance with existing law.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to insert:

No contract made with any Indian, where such contract relates to the tribal funds or property in the hands of the United States, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given.

Mr. GORE. I wish to offer an amendment there, with the consent of the Senator who has the bill in charge, to save adverting to it later. I think it will be accepted. After the word "given," I move to insert "in such manner as Congress may prescribe." The amendment says "unless the consent of the United States has previously been given," but it does not signify who shall speak for the United States. I think the amendment ought to contain that provision.

Mr. CLARK of Wyoming. I will ask the Senator if the Secretary of the Interior has not customarily dealt with those matters? Is not the consent of the Secretary of the Interior necessary in all of these matters?

Mr. GORE. There is a method prescribed with reference to Indians who are not citizens of the United States. I have forgotten the section of the Revised Statutes which prescribes it. There is no law upon this point, however, and the very uncertainty of it, raised by the Senator's question, I think renders important this amendment.

Mr. CLARK of Wyoming. Of course the Senator understands perfectly that the amendment which he proposes would make it absolutely impossible for any Indian to enter into any contract of this sort. The Senator's amendment is a prohibition of the contract, I think; is it not?

Mr. GORE. I will say that this is a particular kind of contract, a contract on the part of Indians relating to undistributed tribal funds. It struck me that this provision is vague and uncertain, and that neither the Secretary of the Interior nor anybody else would have express authority to speak for the United States.

Mr. CLARK of Wyoming. I simply wanted to get the purpose of the amendment. I understand that the effect of the amendment, if not its purpose, would be to render impossible any contract of this sort, because certainly Congress is not going to undertake the business of approving contracts between individuals.

Mr. GORE. I take it that it might prescribe some method for the approval of these contracts. The Senator will see very clearly that neither the Secretary of the Interior nor anybody else would be able to give the consent of the United States without some authority being conferred upon him to give that consent, and I do not want to leave the matter in that uncertain state.

Mr. STERLING. Mr. President, it seems to me this is a very important matter. The amendment is very sweeping in its provisions, and I think time has hardly been had for sufficient consideration. I should like to ask if this amendment can not go over until to-morrow? I can see wherein an amendment like this might do great injustice to the Indians themselves in certain cases; and it is on that account, and not in the interest of attorneys, that I suggest that there may be some desire to modify the amendment.

Mr. FALL. Mr. President, the effect of this amendment, as it stands now, would be to tie the hands of the Indians. Of course, whether that is desirable or not is for the Congress of the United States to decide. My personal opinion is that it is not desirable to tie their hands so that they are in a position where, except for the assistance of attorneys appointed by the Department of the Interior, they are absolutely precluded from resisting attempts to rob them. While this matter was up for consideration in the Senate committee I suggested that at least exceptions should be made with reference to the character of contracts which they should be restricted from entering into.

Take, for instance, the Chippewa Indians: The Senator from Oregon [Mr. LANE] has objected to the provision in this bill with reference to the method by which the roll of the Chippewa Indians is to be made up. The Chippewa Indians have quite

a valuable property. Of course, that property belongs to those who are justly entitled to be on the roll. There is a proposition in this bill to make a new roll by authority of a commission provided for in the bill. No one knows whether the Chippewa Indians want any such commission, or whether they want any roll; but the proposition is now that this commission shall make the roll. If the Chippewa Indians object to it—and from what I have seen of them, some of them are certainly intelligent enough to know what they want—they are absolutely precluded from employing an attorney to resist placing upon the roll one or ten thousand fraudulent Chippewa Indians to share in the tribal property. The same thing is true with reference to the reopening of the Chickasaw, Choctaw, Cherokee, Creek, or Seminole rolls in the Indian country to-day in the State of Oklahoma.

There has been a fight heretofore made to place upon the rolls men who, it was claimed, were not entitled to enrollment. There has been legislation, and under that legislation a fight has been made to purge those rolls. Several years, I believe, were taken up in this fight, which was made by a man who has been denounced as a notorious lobbyist, and whom I am not here to defend, although I do not believe he should be accused of all the crimes in the calendar, at any rate. I refer to Mr. MacMurray, about whom we have heard a good deal of talk. He apparently appeared for these Indians and resisted the attempt to put certain Indians upon the roll, and purged the roll of quite a large number of persons.

The testimony given before the committee showed that if the Indians claiming the right of enrollment had secured such right and had been placed upon the roll, it would have cost the Five Civilized Tribes from twenty-one to forty million dollars. It showed that by their ability so to enter into a contract, and thereby to prevent the enrollment of these parties whom the courts, I believe, or at least the commission, decided were not entitled to enrollment, by their ability to contract with attorneys, who received a very large fee for their services—I think \$750,000—they saved to the Five Civilized Tribes from twenty-one to forty million dollars.

It developed in the hearings before the committee that there are 7,000 people claiming the right to allotment; that it is proposed now to go into a new enrollment; and that there are attorneys here seeking to secure the enrollment of these people. I think the department has stated that there are some 50 Indians who are entitled to go on the rolls, but that there are 7,000 who, under one claim or another—whether just or unjust I have no way of knowing, and I do not pretend to pass upon—allege that they are entitled to go upon these rolls.

Each allotment, as I understand, is worth to-day approximately \$8,000. Seven thousand Indians, then, would take \$8,000 each from the Indians who are now upon the rolls. By this amendment it is proposed to tie their hands absolutely, and to say that they shall not employ attorneys to defend their rights, but that the Indians who are not on this roll may pledge their property and employ attorneys to take the property away from the Five Civilized Tribes. You place them absolutely at the mercy of any attorney who takes a contingent fee.

I object to it, Mr. President. It is nothing to me. It is for the Congress of the United States to say whether they will be influenced by a cry that some Indian attorney—a lobbyist—is trying to make a fee out of these Indians by defending them. The sworn testimony in this case of the attorney of the Choctaw Nation is that he is receiving \$5,000. He is appointed not by and with the consent of the tribe, but he is appointed by the Secretary of the Interior to represent the United States. His own testimony asserts that it was absolutely impossible for him to conduct such litigation as was conducted by MacMurray and these lobbyists through which \$40,000,000 was saved to these Indians.

Now, this is a tax against them to the extent of \$50,000,000, or something like that, and their hands are tied absolutely by the provision which the committee has placed in the bill. They are absolutely tied and they must stand defenseless under these Indian attorneys representing 7,000 Indians, who have been declared not entitled to enrollment. They have been declared by the court or by the commission appointed by Congress not to be entitled to enrollment. They must stand absolutely silent. They can not even lift their voice except through the puny tones of a little attorney appointed by the Secretary of the Interior, who himself confesses he can not properly defend them. These Indians stand silent and their pockets are robbed.

Mr. President, very recently a suit was decided by the Supreme Court of the United States defended by an Indian lobbyist, Mr. MacMurray, under a contract with the Choctaw and Chickasaw Indians. The result of that suit was a saving to those Indians upon the evidence shown of \$21,000,000, costing the different allottees something like \$10 apiece, or a total, I

believe, of about \$180,000. The Supreme Court decided contrary to the determination or the advice of the Indian Department, which refused to allow the suit to be tried to defend these Indians from the taxation which was sought to be imposed upon them regardless of their treaty. The department refused to allow the department's attorney or any of its officials or the attorney appointed for these Indians to defend their suit and to represent these Indians in that taxation case coming up from Oklahoma. They were compelled to make private contracts, which they did make. The Supreme Court of the United States claimed that, irrespective of what the department had said, they had a good defense under the treaty, and they were saved something like \$21,000,000, because, it is claimed, had the tax been levied on the property of the minor children the property must necessarily have been sold for taxes and gone to the State, and gone from the Indians and their heirs forever.

In this bill one of the Senators from Oklahoma has asked and has obtained an appropriation of \$300,000 for the public schools of the State of Oklahoma in the eastern district, because it is said the fact that the State can not tax those Indian lands under the decision of the Supreme Court of the United States has therefore reduced the ability to conduct the public schools, and the United States to-day, through its Congress, is now appropriating \$300,000 in this bill for the support of those schools.

Mr. President, I know exactly what is often said when a man in public life undertakes to make what he conceives to be a true statement about matters of this kind. It is said that he is influenced by some lobbyist. I think that I stand a little above that, but I do not fear any such criticism. No such criticism will close my mouth when I can see that injustice is being done people who are just as civilized, just as able, and just as competent citizens as any who live in the United States. Those Indians are electing United States Senators, and have two here. They are electing Congressmen, and have six in the other Hall. They are electing governors. Their governor to-day is a blood Indian. They are electing legislators who are blood Indians and Indians by marriage. They are assisting in electing the President of the United States. They cast a vote, I believe, for the present President of the United States. Are they not capable citizens, capable of attending to their own business?

Before the white men insisted that the Five Civilized Tribes should go into statehood and should have their property allotted there were no more peaceable or prosperous people on the face of this globe than those Five Civilized Tribes. Under our beneficent administration of their affairs, in throwing restrictions around them and treating them as though somebody robbed them, those Indians to-day are not worth individually nor collectively one-half what they were before. Their property was allotted and divided over their opposition.

Mr. President, taking these two suits—one for enrollment and the other resisting an illegal attempt at taxation—and then tying the hands of these Indians so that under some other guise this land may be taxed illegally, and no attorney can be employed by them or paid for out of their tribal funds to resist such an attempt, it seems to me that thus to administer the property of the Indians who think that somebody robs them is a very small business, to say the least of it, for honorable Senators to engage in, simply because some one may say that the man who has been defending them will make contracts payable out of the tribal funds and may be a lobbyist. I suppose there are a great many Indians in the Indian Territory who, if they say their prayers, thank God on their bended knees that they were able to avail themselves of the services of a lobbyist.

In the committee I offered an amendment which I thought would properly protect the Indians against a practice of this kind and enable them at least to protect themselves. It was rejected by a divided vote—4 to 4, as the record in this case will show—only 8 members of the committee being present and voting. One of the arguments used there was that unconscionable fees were charged. It was shown, as a matter of fact, that while under the MacMurray contracts, for instance, in defending the Indians they collected something like 9 per cent, I believe, for the defense, contracts are now outstanding for the enrollment of 4,000 Indians at from 25 to 40 per cent of the property which is gained. Those claiming to be Indians on the outside are not restricted. Only those who are already enrolled as Indians are restricted.

It is useless to undertake to wrangle about the word "Indian" and what it means. We all know what this means. We know exactly what the object of this is.

My attention was called to the argument used that enormous fees had been made by the attorneys representing the Indians. That absolutely is true. It is entirely true. This amendment as it appears here in the bill does not restrict the collection of

such fees. Of course, if the Secretary of the Interior or the Congress of the United States did not like the particular attorney who was to have the contract, he would not be appointed under this provision. If he was a friendly gentleman, I suppose his fees might be placed at a certain figure, and they might restrict his fees.

I offered an amendment, as I said, which I thought was fair so that it would reach the proposition and at the same time protect the Indians against enormous fees. I propose to read the amendment, Mr. President, and offer it pro forma. I have no interest in the matter of any kind or character. If the Senate chooses to reject it or to adopt any other amendment it is absolutely immaterial to me; but I conceived it to be my duty, irrespective of any criticism, to have said what I have said and to do what I propose to do now in offering this amendment, which I will read:

Provided, That this prohibition shall not apply to contracts for the recovery of money or property in a suit or claim against and resisted by the United States or to a claim by or against any State or municipality, nor to a claim for services in resisting the enrollment of any Indian as a member of any tribe, which enrollment is resisted by such tribe or a majority thereof; but no claim for any such service shall be paid until same has been approved as to amount by the tribunal, court, or department finally passing upon the claim or enrollment, without respect to the agreed fee or commission mentioned in any such contract.

The PRESIDING OFFICER. There is already an amendment to the committee amendment pending. The question is on the amendment submitted by the Senator from Oklahoma [Mr. GORE] to the amendment of the committee.

Mr. GALLINGER and Mr. ASHURST. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of the committee amendment, page 57, line 24, after the word "given," and before the period, insert the words:

in such manner as Congress may prescribe.

Mr. GORE. It has been suggested by my colleague that it might obviate some objection if the amendment were modified to read:

in such manner as Congress may have prescribed or may hereafter prescribe.

I thought probably that would meet the objection of the Senator from South Dakota [Mr. STERLING].

The PRESIDING OFFICER. The question is on the amendment suggested by the Senator from Oklahoma to the amendment of the committee.

Mr. STONE. Mr. President, as a matter of information, I should like to ask either of the Senators from Oklahoma what provision has been made by Congress. The modification reads "may have prescribed or may hereafter prescribe."

Mr. GORE. I will say that this amendment is not limited to Oklahoma. My colleague suggested to me that probably that modification would meet the objection which the Senator from South Dakota had in mind. When there have been specific directions heretofore given by Congress this amendment would not interfere.

Mr. STONE. I am asking the Senator if he knows that any have been prescribed.

Mr. GORE. I do not know, I will say to the Senator. Probably my colleague might be able to give the information.

Mr. STONE. Mr. President, if we are going to make an amendment along this line, I ask the question would it not be better now to prescribe the terms upon which the contracts may be made, or that they shall be made with the approval of some particular authority, instead of leaving it to the action of some future Congress and have to go all over this again? I ask the Senator from Oklahoma if it would not be satisfactory to him if there could be inserted at the end of the amendment "if the consent of the United States has been previously given by the action of the Secretary of the Interior"?

Mr. GORE. That might be all right in some cases and in some cases I do not think it would be satisfactory. It would change the existing law in some particulars where I do not think it ought to be changed. For that reason I do not think I can accept the amendment.

Mr. STONE. Mr. President, I want to say just a word on this question. I do not care anything whatever about the personal aspects of this case, and by personal aspects I mean the personal things referred to by the Senator from New Mexico [Mr. FALL]. It does seem to me, however, that it would hardly be right to tie up the right of contract by restrictions which would make the exercise of that right impossible or impracticable. The fact is there are large numbers of Indians, not only in Oklahoma but elsewhere in different parts of the country, who are as intelligent men as you will find, who average up well with the citizenry of the country. It seems to me it would hardly be right to put a restraint upon those men to make contracts.

When this matter was before the committee it was discussed at some considerable length. I must say that I heard comparatively little of the discussion, being at that time engaged more especially with work connected with one of the subcommittees of the Committee on Finance in an adjoining room, but I heard the discussion by the members of the committee, not by those who came before the committee. As a result a subcommittee of three able, experienced men on that committee was appointed to draft a provision that might cover the ground and meet the situation. That subcommittee made a report, and that report was considered and amended and the provision as it appears in the text of the bill was agreed upon and incorporated. It was not thought by the committee—and I am speaking now for the committee—that it was wise or prudent or just to carry the restriction upon the right of contract so far with respect to intelligent American citizens, men who are exercising all the rights of American citizenship, who are holding important places of public trust in their States and in the Nation, as to deprive or in a large measure unnecessarily to restrict the constitutional right of such people to make contracts. I believe the committee was right in its conclusion.

Now, to adopt this amendment and say that the right to make a contract by one of the United States Senators sitting here in this body from Oklahoma and another equally well qualified man in the exercise of all his rights of citizenship occupying a place in the House of Representatives, that the governor of a State and men of this kind can not make a contract now, but must wait upon the pleasure of Congress at some future day, does not meet my approval and did not meet the approval of your committee.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Oklahoma [Mr. GORE] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the committee amendment.

Mr. FALL. I reoffer to the committee amendment the amendment which I read and which is on the Secretary's desk.

Mr. STONE. Let the amendment be stated.

The PRESIDING OFFICER. Is the amendment submitted by the Senator from New Mexico an amendment to the committee amendment?

Mr. FALL. It is an amendment to the committee amendment. It is simply a proviso. I ask that it be stated.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 57, line 24, after the word "given," before the period, it is proposed to insert a colon and the following proviso:

Provided, That this prohibition shall not apply to contracts for the recovery of money or property in a suit or claim against and resisted by the United States or to a claim by or against any State or municipality, nor to claim for services in resisting enrollment of any Indian as a member of any tribe, which enrollment is resisted by such tribe or a majority thereof; but no claim for any such service shall be paid until same has been approved as to amount by the tribunal, court, or department finally passing upon the claim or enrollment without respect to the agreed fee or commission mentioned in any such contract.

Mr. STONE. Mr. President, I feel at liberty to say that this amendment was presented to the committee as it is presented here and was there disagreed to.

Mr. FALL. I made the statement, Mr. President, in offering the amendment that it was disagreed to by a tie vote in committee, there being eight members of the committee present, four voting aye and four voting no. I reserved the right at that time to offer it here, as the record will show.

Mr. STONE. That is correct. The Senator did reserve the right to offer the amendment in the Senate.

Mr. ASHURST. On that I ask for the yeas and nays.

Mr. STONE. What for?

Mr. ASHURST. Then I will withdraw the call for the yeas and nays.

The PRESIDING OFFICER. Does the Senator insist on the yeas and nays?

Mr. ASHURST. I thought we would thereby save time.

Mr. GORE. Mr. President, I do not know whether this amendment is subject to a point of order or not, but in view of the pending provisions in the bill, I will raise the point of order and get a ruling of the Chair.

Mr. FALL. Then I will raise the point of order that the amendment itself reported by the committee is new legislation.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I will wait until the Chair rules on the point. I have been seriously considering making the very point which the Senator from New Mexico [Mr. FALL] makes in reference to

the entire amendment, but I have not concluded to go so far as that.

Mr. FALL. I am perfectly willing that these contracts be restricted in every way; but I do protest against tying the hands of some people while other people are filching their profits.

Mr. ASHURST. Mr. President, I am not content to have that statement made by the honorable Senator from New Mexico [Mr. FALL] go into the Record without some challenge. I do not feel at liberty to advert to what took place before the committee, but I speak the language of truth and soberness when I say that some ex-Senators and some lobbyists have been seeking for years to have certain contracts approved which, in effect, would mulct the Indians out of large sums of money. I have here upon my desk a statement of the moneys paid out of Indian funds to one firm of attorneys aggregating nearly \$1,000,000. It was the purpose of the committee "not to tie the hands of the Indian and rob him," but to prevent the Indian from being further plundered. It was the purpose of the committee to provide that certain contracts—which would net to this firm of lawyers \$3,500,000 for no services—should not be ratified.

Mr. President, I shall not take up the time of the Senate further than to say that I wish most emphatically to record myself as being one Senator who feels it his duty and responsibility to see that the hungry and larcenous fingers of grafters and seekers of exorbitant fees shall not be extended into the trust funds belonging to the Indians.

This fund of \$35,000,000 belongs to these Indians in question. No one questions the right of the Indians to these funds. Are we doing our duty to the Government and to these Indians, therefore, when we permit, without protest, legislation which might allow lobbyists or other persons to take a fee of \$3,500,000 for work that he or they could not perform?

Mr. FALL. Will the Senator yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. ASHURST. Certainly.

Mr. FALL. How does the Senator arrive at the conclusion that there is a fee claimed of \$3,500,000? I have seen that statement in the newspapers and heard it talked about, but how does the Senator arrive at the conclusion that there is a fee claimed by anyone of \$3,500,000 or of any other amount against this \$35,000,000?

Mr. ASHURST. I will be entirely within the record when I say that since the subject has been agitated and since this firm of attorneys have reached the conclusion that it can not obtain this fee they have very politely declined to accept it. Seeing that their efforts were blocked they have filed a disclaimer to it. I have some doubt as to the validity and legality of the disclaimer or waiver; that is to say, I am not satisfied that the matter should rest upon the disclaimer wholly, but Congress should make an affirmative expression against the payment of these fees where attorneys pretend to perform a service when in truth the Government has absolutely and expressly recognized the fact that it holds the money, land, or other property in trust for the Indian.

Mr. FALL. I will ask the Senator if it is not a fact that under existing law this firm of attorneys could not get 10 cents out of these tribal funds without the assent of Congress affirmatively given? The Senator knows that a dollar can not be paid from this fund without an appropriation by Congress. Therefore, if these gentlemen had not relinquished any claim, it must have required an act of the Congress to enable them to get 10 cents or any other amount. Those are the facts, I believe.

Mr. ASHURST. That is the Senator's opinion concerning the facts.

Mr. FALL. Yes, it is.

Mr. ASHURST. But every Senator is charged with the responsibility and duty of putting his own construction upon a state of facts.

Mr. FALL. Certainly.

Mr. ASHURST. I have here a statement from the former Secretary of the Interior which shows that the firm of attorneys which attempted to secure this \$3,500,000, in 1901 was paid \$750,000 by both the Choctaw and the Chickasaw Nations.

Mr. FALL. For what was that?

Mr. ASHURST. That was paid in connection with the so-called citizenship contract of January 7, 1901.

Mr. FALL. For resisting enrollment, was it not?

Mr. ASHURST. The fee amounted to \$750,000. There was paid about the same time, or possibly a little subsequent to that time, by the Choctaw Nation to this firm \$79,000, and at another time there was paid to this firm by the Chickasaw Nation \$102,916, making a total of moneys paid to this one

firm of \$932,848. It has not been made apparent to the committee, or to this member of the committee at least, what service these lobbyists will render for this \$3,500,000. That was the reason I asked for the yeas and nays.

Mr. FALL. The Senator did not understand me as objecting to the yeas and nays, did he?

Mr. ASHURST. No; I did not.

Mr. FALL. I would welcome a roll call.

Mr. ASHURST. I have not said it was improper for the Senator to object to a roll call.

Mr. FALL. But this Senator did not object.

Mr. STONE. I objected to save time.

Mr. ASHURST. I owe a vast deal to the distinguished chairman of the committee [Mr. STONE] for his courtesies and his kindness toward me, and much as I should like to save time—as time is a valuable asset of mankind—we are charged here with the duty, and should be charged with the duty, of trying to save money for the Indians.

Mr. STONE. That is all right.

Mr. ASHURST. Indeed it is. I shall not at this time advert at length to the findings of the House committee in 1910 on this subject. The majority members found that the influence of this firm was improper and should be characterized, so the majority say, by a stronger term than "undue influence," while the minority member, Mr. STEPHENS, now a majority member and now chairman of the House Committee on Indian Affairs, found that improper means had been used or attempted to be used seeking to validate certain contracts and obtain large fees out of Indian funds.

I believe this committee amendment to be wholesome legislation. It is proper to provide by law that tribal property not belonging to the individual but to the tribe and unallotted lands in the hands of the United States Government, as trustee, should be delivered to and reach the Indians undiminished in quantity. Less than that we should not do.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] makes the point of order against the amendment submitted by the Senator from New Mexico [Mr. FALL] to the amendment of the committee on the ground that it is general legislation on an appropriation bill.

Mr. GORE. Mr. President, I wish to say merely a word or two. Waiving entirely the personal features of the discussion, I am perfectly willing that every Indian tribe and that every individual Indian should have ample and able attorneys when they are engaged in a lawsuit, when they have a claim to establish, a right to vindicate, or a wrong to redress. I may say that there are in Oklahoma five tribes, known as the Five Civilized Tribes. The Cherokee Tribe has a very able attorney at present, who receives \$5,000 per annum; the Creek Tribe also has a regularly employed attorney, who receives \$5,000 per year, and, I think, for the current year is receiving \$10,000 in addition for some special service; the Chickasaw Tribe of Indians has an attorney who receives \$5,000 a year; and the Choctaw Tribe has four attorneys, one of them receiving \$5,000 and the other three receiving, jointly, \$5,000. For all ordinary purposes these regularly employed attorneys would seem to be quite sufficient to protect the rights of the Five Civilized Tribes.

The amendment now pending is the outgrowth of an amendment I offered during the recent regular session; and I may say that the amendment was prepared in the Department of the Interior. When offered it was limited to the Creek Tribe of Indians. The particular circumstance which gave rise to the amendment was this: The Creek Indians have now \$3,000,000 in the Treasury of the United States; it is their money; there is no question, there is no challenge to their title. Attorneys were circulating contracts in Oklahoma which would entitle them to 10 per cent on the \$3,000,000 to recover it from the Government and to secure its distribution among the Indians.

The money belongs to the Creeks. It was the opinion of the Department, and it was my own opinion, that no attorney or firm of attorneys should be paid \$300,000 to prevail upon Congress to distribute this money amongst the Indians who are legally and unquestionably entitled to receive it. On the floor of the Senate I submitted a motion to extend the amendment to the Five Civilized Tribes instead of limiting it to the Creek Tribe alone. That is the history of this amendment as originally presented by me in the Senate.

I will say, Mr. President, that the Senator from New Mexico was entirely correct in the statement that what is known as the tax litigation saved the Indians perhaps many million dollars. Under the treaties their allotments were exempt from taxation. Congress passed a law subsequent to statehood undertaking to subject those allotments to taxation. The Indians contested the validity of that law, won their suit, and escaped taxation

for some 21 years. That undoubtedly saved them a vast amount of money. They had a right to bring that suit; they had a right to have attorneys, if they saw fit, in that sort of litigation.

I may say, however, Mr. President, that I understand individual Indians of the Chickasaw and Choctaw country made contracts with private attorneys aggregating \$80,000 to resist this attempted taxation, whereas, as a matter of fact, suit was brought by the regularly employed attorneys of the Choctaw Nation, suit was brought by the regularly retained attorney of the Cherokee Nation, as I am informed, and suit was brought by the regularly employed attorneys of the Creek Nation. The first suit, which went to the Supreme Court of the United States, was a Choctaw suit in which the regularly employed attorneys of the nation represented the nation; and I have no doubt that the regularly retained attorneys of those nations would—they did in the case of three nations and would have done so in the Choctaw Nation—have protected the rights of the Indians and would have shielded them against unwarranted taxation if no contracts had been entered into with private attorneys. I make no doubt of that; and yet there can be no complaint if the Indians saw fit to engage attorneys in that sort of litigation.

Mr. President, the pending amendment is limited to contracts on the part of Indians with attorneys, such contracts relating to undistributed tribal funds. What I had in my mind was this: The Government of the United States is under treaty obligation to wind up the affairs of those tribes and to dispose of their tribal property. The treaty stipulates that it shall be done without expense to the Indians. My own feeling has been that the Government ought to carry out that treaty in good faith. It ought not to oblige, and it ought not to permit, those Indians to make contracts with reference to that tribal estate whereby anybody will receive a large fee or compensation for doing what it is the duty of the Government to do, and what I hope and believe the Government at no distant day will do in good faith.

That is what I had in my mind in connection with this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] makes the point of order against the amendment submitted by the Senator from New Mexico [Mr. FALL] to the amendment of the committee on the ground that it is general legislation. The amendment submitted by the Senator from New Mexico is palpably a substitute for that part of the bill beginning with line 21, on page 56, and ending with line 19, on page 57. That was the language which came to the Senate from the House. This being an amendment to a House provision, the Chair is impressed with the view that the point of order does not lie. It is therefore overruled.

The question now is on agreeing to the amendment offered by the Senator from New Mexico [Mr. FALL] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon agreeing to the committee amendment.

Mr. STERLING. I offer an amendment to the committee amendment.

Mr. STONE. Let the amendment be read, Mr. President.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 24, page 57, before the period, it is proposed to insert the following proviso:

Provided, The foregoing provision shall not apply to contracts made with or services rendered any Indian who is a citizen of the United States, has severed his tribal relations, and has been or is the owner in fee of lands under grant from the Government of the United States.

Mr. STERLING obtained the floor.

Mr. STONE. Mr. President, just a moment.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. STONE. I was merely going to make a request.

Mr. STERLING. I yield to the Senator from Missouri.

Mr. STONE. It is getting late, and clearly we shall not be able to conclude the bill to-night. I thought the Senator from South Dakota desired to have this matter go over, in order that he might look into it.

Mr. STERLING. That will be perfectly satisfactory to me.

Mr. STONE. If there are other amendments to be proposed to this particular provision, I should be glad to have them offered now, so that they may appear in the Record to-morrow morning.

Mr. OWEN. I wish to offer an amendment, in order that it may go in the Record of to-day's proceedings.

The PRESIDING OFFICER. The pending amendment, then, will be the amendment submitted by the Senator from South Dakota [Mr. STERLING] to the amendment of the committee.

Mr. GALLINGER. It will be printed in the Record?

The PRESIDING OFFICER. It will be printed, and pending. Mr. STONE. It will be the pending amendment.

The PRESIDING OFFICER. Further amendments may be offered for printing.

Mr. OWEN. I submit an amendment to the amendment for printing, and give notice that I shall offer it at the proper time. It is as follows:

On page 57, at the end of line 24, strike out the period and add a comma and the following:

"And no contract made with any person claiming citizenship in any Indian tribe, where such contract affects the tribal funds or property in the hands of the United States, or the fee is to be paid from the claimant's portion of tribal funds or property, shall be valid, nor shall any payment for services rendered in relation thereto be made, unless the consent of the United States has previously been given."

Mr. MYERS. I offer an amendment to the bill, for the purpose of having it printed, and ask that it may lie on the table until reached.

The PRESIDING OFFICER. In the absence of objection, the amendment will be printed and lie on the table.

HOOR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow afternoon at 2 o'clock.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 18, 1913, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate June 17, 1913.

AMBASSADOR TO ITALY.

Thomas Nelson Page, of Virginia, to be ambassador extraordinary and plenipotentiary of the United States to Italy, vice Thomas J. O'Brien, resigned.

ENVOY TO SWITZERLAND.

Pleasant A. Stovall, of Georgia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Switzerland, vice Henry S. Boutell, resigned.

COLLECTOR OF CUSTOMS.

Andrew J. King, of Montana, to be collector of customs for the district of Montana and Idaho, in the States of Montana and Idaho, in place of John G. Bair, whose term of office expired by limitation June 14, 1913.

REGISTER OF THE LAND OFFICE.

Cato D. Glover, of Gadsden, Ala., to be register of the land office at Montgomery, Ala., vice Nathan H. Alexander, term expired.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Second Lieut. Daniel D. Pullen, Corps of Engineers, to be first lieutenant from February 27, 1913, to fill an original vacancy.

Second Lieut. Carey H. Brown, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Alvin B. Barber, promoted.

Second Lieut. Oscar N. Sohlberg, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. William F. Endress, promoted.

Second Lieut. Beverly C. Dunn, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Jarvis J. Bain, promoted.

Second Lieut. Donald H. Connolly, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Thomas H. Emerson, promoted.

Second Lieut. Raymond F. Fowler, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Robert S. Thomas, promoted.

Second Lieut. David McCoach, jr., Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Roger G. Powell, promoted.

Second Lieut. James G. B. Lampert, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. John N. Hodges, promoted.

Second Lieut. Philip B. Fleming, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Arthur R. Ehrnbeck, promoted.

Second Lieut. John W. Stewart, Corps of Engineers, to be first lieutenant from February 27, 1913, vice First Lieut. Harold S. Hetrick, promoted.

Second Lieut. Joseph C. Mehaffey, Corps of Engineers, to be first lieutenant from February 28, 1913, vice First Lieut. William A. Johnson, promoted.

MEDICAL CORPS.

To be captains with rank from June 15, 1913, after three years' service.

First Lieut. Albert S. Bowen, Medical Corps.
First Lieut. Ernest R. Gentry, Medical Corps.
First Lieut. Roy C. Hefebower, Medical Corps.
First Lieut. George M. Edwards, Medical Corps.
First Lieut. George B. Foster, jr., Medical Corps.
First Lieut. Joseph Casper, Medical Corps.
First Lieut. Henry Beeuwkes, Medical Corps.
First Lieut. Edward M. Welles, jr., Medical Corps.
First Lieut. Condon C. McCornack, Medical Corps.
First Lieut. William H. Thearle, Medical Corps.
First Lieut. Glenn I. Jones, Medical Corps.
First Lieut. George W. Cook, Medical Corps.
First Lieut. Charles C. Demmer, Medical Corps.
First Lieut. Charles T. King, Medical Corps.
First Lieut. Thomas H. Johnson, Medical Corps.
First Lieut. William H. Allen, Medical Corps.
First Lieut. Larry B. McAfee, Medical Corps.
First Lieut. Adam E. Schlanser, Medical Corps.
First Lieut. Carl E. Holmberg, Medical Corps.
First Lieut. John P. Fletcher, Medical Corps.
First Lieut. Joseph E. Bastion, Medical Corps.
First Lieut. Thomas D. Woodson, Medical Corps.
First Lieut. Alexander T. Cooper, Medical Corps.
First Lieut. John T. Aydelotte, Medical Corps.
First Lieut. Taylor E. Darby, Medical Corps.
First Lieut. Thomas C. Austin, Medical Corps.
First Lieut. Mark D. Weed, Medical Corps.
First Lieut. Edward D. Kremers, Medical Corps.
First Lieut. Charles W. Haberkampf, Medical Corps.
First Lieut. Harry R. Beery, Medical Corps.
First Lieut. James R. Mount, Medical Corps.
First Lieut. Royal Reynolds, Medical Corps.
First Lieut. James S. Fox, Medical Corps.
First Lieut. Felix R. Hill, Medical Corps.
First Lieut. Ralph G. De Voe, Medical Corps.
First Lieut. Wayne H. Crum, Medical Corps.
First Lieut. John A. Burket, Medical Corps.
First Lieut. Webb E. Cooper, Medical Corps.
First Lieut. Thomas L. Ferenbaugh, Medical Corps.
First Lieut. William L. Sheep, Medical Corps.
First Lieut. Edgar C. Jones, Medical Corps.
First Lieut. Arthur O. Davis, Medical Corps.
First Lieut. Floyd Kramer, Medical Corps.
First Lieut. Edward L. Napier, Medical Corps.
First Lieut. W. Cole Davis, Medical Corps.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

George H. Emmerson,
George E. Brandt,
Robert O. Baush,
John C. Hilliard,
Karl F. Smith,
Owen St. A. Botsford,
Donald T. Hunter,
Henry B. Le Bourgeois,
Cleveland McCauley, and
Leslie C. Davis.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 11th day of June, 1913:

Edward A. Schumann, a citizen of Pennsylvania.
Robert L. Payne, jr., a citizen of Virginia.
Bruce Elmore, a citizen of Washington.

Charles C. Ammerman, a citizen of the District of Columbia.
The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 13th day of June, 1913:

William B. Hetfield, a citizen of New York.
Frank H. Haigler, a citizen of Colorado.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 17, 1913.

JUDGE OF THE DISTRICT COURT OF ALASKA.

Frederick M. Brown to be judge of the district court of the District of Alaska, to be assigned to Division No. 3.

APPRAISER OF MERCHANDISE.

George E. Welter to be appraiser of merchandise in the district of Portland, Oreg.

POSTMASTERS.

ALABAMA.

Edward C. Barnes, Evergreen.
J. W. Barnes, Prattville.
J. F. Beatty, Atmore.
Clarence Byrd, Opp.
Josephine Carlisle, Girard.
W. H. Cleere, Haleyville.
J. W. Horn, Brantley.
Richard C. McCarty, Slocomb.

ARKANSAS.

H. R. Cantrell, Mansfield.
Stephen R. George, Magazine.
L. J. Miller, De Witt.

COLORADO.

F. F. Reinert, Fort Morgan.
Bruce Russell, Yuma.

GEORGIA.

Thomas K. Dunham, Darien.
Hattie F. Gilmer, Toccoa.
Martha E. Gorham, Crawfordville.
Josephine Hilliard, Union Point.
John N. King, Rochelle.
A. J. Lovelady, Ball Ground.
L. F. Maxwell, Cornelia.
W. A. Talley, Milltown.

HAWAII.

A. H. Silva, jr., Kahului.

IDAHO.

C. W. Greenough, Cottonwood.
Charles L. Hollar, Kellogg.

INDIANA.

Charles F. Bardonner, Cicero.
Charles E. Couch, Sheridan.
James F. Harding, Brownsburg.
William B. Vestal, Greencastle.

KANSAS.

Edward Corrigan, Effingham.
Viola Hamilton, Altamont.
Marion E. Henderson, Haven.
E. C. McDermott, Spearville.
Thomas O'Mara, Colony.
Eugene Skinner, Cherokee.

LOUISIANA.

George D. Domengeaux, Breaux Bridge.
Harry J. Geary, Lake Charles.
J. H. Houck, Gibsland.
Frank G. Hulse, Delhi.
John R. Nash, Logansport.

MAINE.

Ned W. Coombs, Castine.
Irenece Cyr, Fort Kent.
Reuben A. Huse, Kingfield.
Milford A. Waite, Canton.

MICHIGAN.

Charles W. Cargo, Bellevue.
M. S. Carney, Decatur.

MINNESOTA.

Amos F. Avery, Stewart.
George A. Blackmun, Hancock.
H. L. Buck, Winona.
Martin Christensen, Barnum.
Herman N. Dahl, Minnesota.
E. L. Flaten, Moorhead.
John Flynn, Carlton.

Nels E. Hawkinson, Grove City.
Edward Hurley, La Crescent.
J. S. Jacobson, Elbow Lake.
C. E. Jude, Maple Lake.
W. P. Lemmer, Belgrade.
Paul D. Mitchell, Brocton.
Walter W. Parish, Rushford.
C. H. Phinney, Herman.
Joseph H. Seal, Melrose.
Charles L. Skaug, Crookston.
Emanuel Yngve, Cambridge.

MISSISSIPPI.

C. W. Bolton, Pontotoc.
David Walley, Richton.

MISSOURI.

W. L. Hixson, Billings.
L. M. Hutcherson, Warrenton.
Louie L. Jobe, Bloomfield.
Louie C. Mattox, Cuba.
William C. Murray, Doniphan.

NEW HAMPSHIRE.

Irving H. Hicks, Contocook.
Horace C. Phaneuf, Nashua.

OHIO.

H. E. Kinzly, Nevada.
Frank V. Lantz, McArthur.
Byron C. Porter, Kinsman.

OKLAHOMA.

J. M. Ennis, Antlers.
Francis M. Reed, jr., Afton.
Charles J. Townsend, Idabel.
Robert E. Lee Woods, Duncan.

PENNSYLVANIA.

James G. Downward, jr., Coatesville.
E. Howell Fisk, Dalton.
Stephen L. Hennigan, Old Forge.
William F. Johnston, Westgrove.
D. J. Kyle, Harrisville.
Joshua P. Lamborn, Berwyn.
Shepherd M. Lash, Herminie.
G. B. Livingston, Conneaut Lake.
Junius W. U. McBride, Beaver.
John D. Moore, Oxford.
W. H. Portser, Saltsburg.
John H. Rahn, Schwenkville.
T. Cheyney Scott, Malvern.
Samuel G. Shannon, Norwood Station.
Oscar Wolfensberger, Lemoyne.

SOUTH DAKOTA.

Rush O. Fellows, Bellefourche.
O. M. Iverson, Hudson.

TEXAS.

John J. Ball, Orange.
Ralph H. Barnett, Hereford.
Myrtle C. Bradshaw, Roxton.
Kate G. Burke, Crosbyton.
W. H. Cook, Henrietta.
M. C. Fields, Lott.
J. W. Gaskin, Jacksboro.
W. B. Hutchison, Tulia.
F. P. Ingerson, Barstow.
George P. Knight, Stephenville.
Henry L. Luckett, Toyah.
John W. Miller, Dilley.
Charles B. Moore, Lovelady.
J. L. Noel, Pilot Point.
T. J. Oden, Lindale.
B. C. Sanford, Plainview.
G. W. Smith, Sonora.
Annie Stryker, Woodville.
Green B. Taylor, Pecan Gap.
Henry Van Geem, Eastland.
J. W. Winsett, Higgins.
T. P. Woodward, Yoakum.

WASHINGTON.

F. A. Kennett, Prosser.

WEST VIRGINIA.

Wirt A. French, Princeton.
Harry B. Moore, Ronceverte.